

Imperialism, State Formation and the Establishment of a  
Muslim Community at the Cape of Good Hope, 1770-1840: A  
Study in Urban Resistance.

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CONTENTS:

Acknowledgements.	ii
Glossary of Terms.	iii
Introduction.	1
Chapter One: Setting the scene: Imperialism and State Formation in the Cape Colony, 1795-1850.	17
Chapter Two: Exploring the Roots of Islam at the Cape in the Eighteenth Century: State, Hegemony and Tariqa.	73
Chapter Three: The Formation of a Muslim Community in Cape Town: Repression, Resistance and Community Formation, 1795-1840.	132
Conclusion: The Khalifa Issue and the Changing Patterns of State Strategy: Enter the Friends of the Malays.	198
Appendices.	207
Bibliography.	210

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GLOSSARY OF TERMS:

- Belal:** Ordinarily refers to the Mu'athin, or the person who performs the call to prayer. In the context of 19th Century Islam at the Cape, however, the belal was essentially an assistant to the Imam, monitoring the conduct of congregants; in short, the belal was a policeman.
- Dhikir:** A spiritual practice, generally involving the remembrance of Allah by the chanting of His names. Dhikir forms an important part of the life of a believer who has been initiated into a tariqa, formal sessions being held regularly.
- Imam:** Refers in its most common sense to any person who leads a congregational prayer. More specifically, however, the high educational and spiritual criteria demanded in person who regularly leads the prayers, generally implies that that person tends to have at the very least an influential impact on the community.
- Jihad:** Derived from the word to struggle, jihad refers partially to the physical struggle against all manifestations of evil and oppression. Yet it also embraces a spiritual component that entails the struggle of man against the more deleterious aspects of his character.
- Jumu'ah:** Of the five daily prayers prescribed to muslims, the jumu'ah is the only compulsory congregational prayer, performed once a week on a Friday in the early afternoon. It is likewise the only prayer that has the reading of a sermon (khutuba) as part of it's formal ritual.
- Khalifa:** In the context of 19th century Islam at the Cape the Khalifa refers to a particular ritual ceremony performed occassionally, usually during festivals. More correctly termed Ratib, it entails the demonstration of the power of faith by attempting to inflict wounds upon oneself with swords and skewers.
- Karamat:** In the context of Islam at the Cape, karamats refers to the burial sites of muslim saints, a whole series of which dating back to the 17th century exist around the Cape Peninsula.

- Qadi:** Within the structures of government, the Qadi is the head of the Islamic Courts, and is responsible for the maintenance of the rule of law as encompassed in the corpus of Shari'ah.
- Qur'an:** This is the revealed Book that lies at the heart of the Islam. Unaltered since its revelation to the Prophet of Islam (SAW), it comprises the commandments that form the parameters of the Shari'ah.
- Majlis:** Another practice closely linked to the activities of tariqas, a majlis refers to the practice of sitting in the company of one's shaykh. the Majlis is also used for educational purposes, informal classes being given by a shaykh to his murids, which were usually learnt by heart.
- Murid:** Refers to a student of shaykh; the link between the teacher and the student, however, is formalised by the taking of an oath of allegiance, in which the shaykh undertakes to pass on his guidance and knowledge to the student, while the student undertakes to be loyal and obedient.
- (RA)** This suffix is used after the names of muslim saints, denoting a tone of respect. Translated, the suffix stands for the invocation, "May Allah have mercy upon the him".
- Shaykh:** The most common title given to men of learning, although within the tariqas it indicates a particular status as well.
- Shari'ah:** The term given to the broad corpus of Islamic law. See Qur'an.
- Tariqa:** These are the various brotherhoods that comprise the basic organisational unit with the practice of tassawwuf. Loosely organised around a particular shaykh, tariqas can trace lines of descent right back to the Prophet of Islam (SAW) and his companions (RA). Examples of tariqas used in this thesis are the Qadari and 'Alowie tariqas.
- Tassawwuf:** Sometimes more commonly known as sufism, tassawwuf refers to the mystical dimension of Islam. While not ignoring the social message of Islam, it focuses itself on the spiritual upliftment of those who adopt particular tariqas.
- 'Ulama:** A Collective term used to refer to the men of learning and knowledge within a muslim community.

## INTRODUCTION:

Considered with reference solely to temporal views, the prevalence of Muhammadanism among the slaves of Christian masters must be deemed a political evil. The difference of colour furnishes already too broad a line of distinction. Add the difference of religion and the line of demarcation becomes yet wider and deeper. A hostile feeling, nursed by religious animosity may excite the slave against his master; and the colonist of South Africa may ere long find himself...surrounded by domestic foes.

One of the most significant and yet least studied developments of late eighteenth and early nineteenth century Cape Town is the emergence and growth of a muslim community. So dramatic was this process, that by the end of the period of slavery, well over two thirds of the town's non-European<sup>2</sup> population were considered to be members of this community.<sup>3</sup> Yet this process has largely been regarded, in such studies as do exist, as one of only marginal significance to the unfolding pattern of struggles that characterise this turbulent and brutal period of Cape Town's history.<sup>4</sup>

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<sup>1</sup> Bird, W.W. The state of the Cape of Good Hope in 1822, (ed.) H.T. Colebrooke (London, 1823), p 349.

<sup>2</sup> The term "Non-European" has been used here because it is the term that is used in the census reports of the period. See for example The Cape of Good Hope Almanac and Annual Register, (Cape Town, 1842), p 4.

<sup>3</sup> Shell, R.C.H. "From Rites to Rebellion: Islamic Conversion at the Cape, 1808-1905.", in, Studies in the History of Cape Town, V, 1984. p 32.

<sup>4</sup> Examples of precisely this type of analysis are found in the works of Shell op. cit., Davids, A. "The Revolt of the Malays: A Study of the reactions of the Cape Muslims to the Smallpox Epidemics of Nineteenth Century Cape Town", in, Studies in the History of Cape Town, V, 1984 and du Plessis, I.D. The Cape Malays. (Cape Town, 1972). For a critique of these approaches see Bradlow, M.A. "Islam, the Colonial State and South African History: The 1886 Cemetery Uprising." Unpublished B.A.(Hons.) Thesis University of Cape Town, 1985. Chapter One.

This lack of serious research stems largely from the nature of prevailing conceptions, which have tended to characterise both Islam and the muslim community as ostensibly cultural phenomena; culture being defined in its narrowest sense. — Denied its political and ideological significance, the process of Islāmisation is reduced to the point where it is regarded only as a quaint and colourful anachronism, adding a touch of spice to the cosmopolitan nature of the town.

This thesis, however, takes as its point of departure the rejection of the notion that the development of Islam in Cape Town can be meaningfully understood in these terms. Indeed, as is hinted at in the opening quote, it is to be argued that the development of Islam and the growth of a muslim community was, inter alia, an historical process permeated throughout by profound ideological and political considerations; considerations that embraced subtle yet nevertheless fundamental challenges to the prevailing structure of ruling class hegemony in the town.

Very briefly it is argued that the development of Islam and a muslim community in Cape Town in the period in question, ie. between 1770 and c.1840, falls into two more or less discrete periods. While the first signs of a presence of Islam stretch back to almost the arrival of the first European settlers on the shores of the Cape of Good Hope in the mid-seventeenth century, it would appear that it was only at the end of that century and during the early years of the eighteenth century that one can begin to observe the practice of Islam becomes particularly noticable. Immediately, however, it must be stated that these forms of social practice were



steeped in the traditions of mystical Islam; forms of practice that were both informal and largely unstructured.

Hidden from the prying eyes of their masters and overlords, in their mountain and forest hideaways, small muslim communities established themselves around the personality of a shaykh and his particular tariqa.<sup>5</sup> From the example and teachings of these shaykhs, the early muslims - who were for the large part slaves - imbibed the essential tenets and practices of Islam.

Towards the end of the eighteenth century, however, one begins to notice a shift away from this essentially mystical expression of Islamic practice. Not only does the spatial locus shift from the mountains and forests to the town itself, but the largely unstructured forms of organisation give way to a highly organised and centralised institutional network; a shift that is epitomized in the establishment of the town's first mosque in 1795.

With the emergence of this new mosque-centred institutional network, one also observes an important shift in the nature of the practice of Islam. While tariqas still seem to play an important part in the daily life of the town's muslims, it would appear that the emphasis of practice had now shifted to establishing the more formalised tenets of shari'ah as the ground plan of social

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<sup>5</sup> Tariqa refers to the basic organisational unit within tassawwuf, or as it is more commonly referred to sufism. A tariqa is essentially a sufi order, which can trace a spiritual line of descent through its various shaykhs to the Prophet Muhammad (SAW). See the glossary for a further definition.

practice. Membership of the community was now no longer predicated upon the taking of bay'a to a shaykh, but rather to the subject willingly submitting himself to the dictates of the shari'ah as interpreted by the 'ulama.

In understanding this transition, and its implications not only for the practice of Islam, but the nature of relations between the muslim community and the broader colonial society, two sets of factors are of crucial significance.

Most obviously the internal impulses for change manifest within the community played a central part in this process. In this respect, the contribution of Tuan Guru (RA)<sup>6</sup> is perhaps without parallel. Coming as he did from a family with a firmly established legal background, and also being well versed in the traditions of tassawwuf, Guru (RA) was well placed to synthesise the two forms of practice. In the process Guru (RA) was to develop a unique set of practices and institutions that came to make up the specificity of Islam at the Cape; aspects of which continue to be manifest within this community to the present.

The prominent role of personalities such as Guru (RA) should not, however, blind one to the no less significant processes occurring on a broader plane. The issue of the steadily growing numbers of

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<sup>6</sup> The suffix RA after the names of Muslim saints is used to conform to the Islamic etiquette of wishing upon that saint the Mercy of Allah. RA stands for Rahmatullahi 'Alayhi ( ) which literally translated means, may the Mercy of Allah be upon him.

adherents to the faith, as well as the apparently increasing wealth of a significant number of muslims no doubt also contributed to the move towards the institutionalisation of Islam's practice.

Yet quite clearly, the internal impulses for this transition form only part of an explanation. Shaping both eighteenth and nineteenth century Cape Islam was the unfolding pattern of colonial expansion in the colony itself. In some cases these influences were direct, and in others more subtle. The official proscribing of the public practice of Islam throughout the period of VOC rule, for example, in a very direct way influenced the pattern of the practice of Islam at the Cape, forcing it underground. Similarly, the steady erosion of the political hegemony of the VOC towards the end of the eighteenth century encouraged the development of a degree of social space, that made the transition from covert and hidden forms of practice, to the more open forms alluded to above, possible.

At this stage it is important to highlight two key themes that tend to underscore the argument presented in this thesis. Firstly, as should be evident from the above, it is impossible to fully grasp either the reasons for, or the significance of the process of Islamisation, without understanding the broader landscape of social forces that characterised and shaped the period in question. On the one hand, therefore, an explicit attempt is made to integrate the examination of the process of Islamisation within the broader historical context of European colonial expansion. It is with precisely this in mind that the argument of this thesis commences. Yet the analysis presented in the opening chapter of

this thesis is not intended to be a bland and generalised account of the general trajectory of colonial expansion in the colony during the period in question. On the contrary, with the view in mind of explaining the specificity of both the process of Islamisation and ruling class responses to it, a particular area of focus has been chosen, viz. the nature of state formation in the colony.

Two reasons will suffice at this stage to explain this choice. While at no stage do I deny the significance of the very basic material concerns of class and production (concerns that are certainly not neglected in this thesis), it is important to bear in mind that the subject of this thesis is concerned with the complex network of social relations and institutions that make up "civil society". It is, following the Gramscian schema, the relative autonomy of civil society and its intricate links to what he terms "political society", that makes the study of the dynamics of state formation at the Cape of Good Hope essential.<sup>7</sup>

Added to this is the point that within the structure of peripheral capitalism, the state occupies a central position in the configuration of social relations.<sup>8</sup> Not only does it attempt to

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<sup>7</sup> Simon, R. Gramsci's Political Thought: An Introduction, (London, 1982), pp 67-77.

<sup>8</sup> In this regard cognisance must be made of the debate on the nature of the peripheral state in Africa, particularly in East Africa. The key pieces in this regard are those by Alavi, H. "State and Class under Peripheral Capitalism", and "The Structure of Peripheral Capitalism", in: Introduction to the Sociology of Developing Societies, (eds) H. Alavi and T. Shanin (London, 1985) as well as J. Saul "The State in Post-Colonial Societies:

mediate the expression of contradictions arising out of the antagonistic relationship between capital and labour inherent to capitalism, but it similarly forms an organic link through which the processes of imperialist expansion and exploitation are mediated. As Alavi points out, the centrality of the state in peripheral societies arises out of its role in the mediation of the process of articulating modes of production. In this regard it signifies a "structural presence" of imperialism; a presence that attempts to reproduce and extend the hegemony of capitalist social relations.<sup>9</sup>

It is, thus, on the one hand the strategic location of the state at this level of social activity (ie. the superstructure), and on the other, its centrality within peripheral social formations, that has prompted this choice.<sup>10</sup> Therefore, by focusing on the unfolding pattern of state formation during the period in question, one is able to grasp the broader yet very specific prerogatives that influenced the process of Islamisation, and ruling class responses

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Tanzania", in: The Socialist Register. 1974 and Ziemann, W. and Lazendorfer, M. "The State in Peripheral Societies", in: The Socialist Register. 1977. The notion of the centrality of the state arises out of the attempt to understand the greater prominence of the state in peripheral societies; a prominence that some have understood as its being "overdeveloped". The position adopted here draws on Alavi's conception of the state as being central to the social processes of peripheral capitalism. For more details see Alavi, op. cit. pp 180-182.

<sup>9</sup> Ibid. p 184.

<sup>10</sup> The term superstructure is used in the Gramscian sense that implies the operation of two discrete levels, viz. that of the state and civil society. These levels also display a degree of relative autonomy and are linked to the social process of production only in the last instance, as they relate to the fundamental struggle between capital and labour. See Simon, R. op. cit. pp 67-71.

to it.

At a more mundane level, however, it is also important that one acknowledge important gaps in the literature on state formation in the Cape of Good Hope. Indeed, with only a handful of exceptions this is an area of analysis that has been largely neglected.<sup>11</sup> While one is, thus, able to draw on a wide body of literature charting the broader material concerns and impulses of colonial expansion, the same cannot be said for the study of state formation in the colony. The analysis contained in chapter one, therefore, attempts to not only specify the nature of the context within which the process of Islamisation occurs, but also to fill in some of the gaps that exist in the study of state formation itself.

Perhaps of greater importance to the central argument of this thesis itself, however, is the idea that the growth and development of Islam at the Cape signified an instance of collective resistance to the prevailing structures of class rule and exploitation. In terms of its ideological content, organisational form, and class character, it is argued through the remaining chapters that the growth of Islam and a muslim community came to present subtle challenges to the prevailing configuration of power relations.

At once, however, it must be noted that these challenges stemmed not so much from any revolutionary zeal evidenced on the part of the muslims themselves, but rather from the alternative set of

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<sup>11</sup> See for example Lonsdale, J. States and Social Processes in Africa: a Historical Survey. in African Studies Review, XXIV, 2 (1981).

social relations that Islamisation instituted, a set of social relations that in many crucial respects challenged the dominant patterns. Indeed it is only by characterising the process of Islamisation in these terms, that one can begin to appreciate the often hysterical reaction of members of the ruling classes to the steady expansion of Islam particularly during the early parts of the nineteenth century; a sense of hysteria that is aptly conveyed<sup>(?)</sup> in the comments cited at the opening of this thesis.

It is, furthermore, in this very situating of the process of Islamisation within the context of resistance studies, that this thesis is intended to contribute to the existing historiography. Even the most contemporary accounts of slavery and resistance at the Cape, tend to create the impression that no significant forms of collective resistance were manifest. A partial exception to this is Ross' study of the maroon communities at Hangklip, and the abortive slave risings of 1808 and 1825.<sup>12</sup>

While acknowledging that the formation of "a world of their own" was an important element in the lives of the slaves of the Cape,<sup>13</sup> the prevailing historiography has been unable to specify the nature of this "world", except in a limited and almost misleading fashion. In this regard the study of slave culture and life has tended to remain confined to those aspects of it that have

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<sup>12</sup> See Ross, R. The Cape of Torments: Slavery and Resistance in South Africa. London, 1982 pp 96-116.

<sup>13</sup> See Genovese, E. Roll Jordan Roll: The World the Slaves Made. London, 1975. for a comparative analysis of slave resistance in the Southern States of the United States of America.

manifested themselves in the official records; aspects that tend to reflect official perceptions of and contact with the slave community, ie. in terms of crime and social deviancy.<sup>14</sup>

While these analyses have demonstrated that criminal and deviant activity did indeed constitute a significant aspect of this "world", it would be misleading to conflate what are clearly marginal social activities with slave culture per se. In this regard, this study of the process of Islamisation attempts to fill in some of the gaps that are evident at this level, and attempts to argue the point, that slaves were indeed capable of constructive and creative forms of resistance.

It must, however, be noted that this thesis is only concerned with the formative phase of the development of this process, up to the emancipation of slaves, late in the fourth decade of the nineteenth century. The period of emancipation marks a convenient cut off point for the simple reason that it was at this point that a whole new series of social forces were unleashed on the terrain of struggle, forces that fundamentally altered the character of the process of Islamisation. From this point on, the existence of Islam at the Cape was never again to be seriously threatened, the focus of struggle shifting now towards influencing the shape ,

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<sup>14</sup> See for example Elks, K. "Crime and Social Control in Cape Town, 1830-50", Paper delivered at the 5th Workshop on the History of Cape Town. (Cape Town, 1985), and Elks, K. Crime, Community and Police in Cape Town, 1825-1850. Unpublished M.A. Thesis, University of Cape Town, 1986. Also Judges, S. Poverty, Living Conditions and Social Relations - Aspects of Life in Cape Town in the 1830s. unpublished M.A. Thesis, University of Cape Town. 1977.



form and character of the community.

### Terminology and sources.

By way of a conclusion to this section, it is necessary that a brief digression be made to highlight firstly the particular application of certain key concepts, and secondly the nature of source material, both of which have formed the theoretical and empirical basis of this project. This is necessary because of the complex character of the process of Islamisation; a complexity that only begins to manifest itself when it is situated within the appropriate conceptual and empirical framework.

With respect to the conceptual context of this project, the notions of imperialism and state form the theoretical platform upon which this study is based. In this respect, it is argued that an understanding of the process of imperialism is a crucial point of departure from which any study of resistance and social protest, particularly one emanating from a colonial social formation, must commence. Yet the notion of imperialism is, itself, hotly contested, making necessary some clarification of the position adopted here.<sup>15</sup>

Acknowledging the complexity of the polemic between liberal and materialist historians, it must be noted that there is a sense in

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<sup>15</sup> For a more detailed account of this debate see Bradlow, A. "Imperialism and State formation: The Cape Colony in the First Half of the Nineteenth Century", Africa seminar conducted by the Centre for African Studies, October 1985.

which the distinction is false. At issue is not so much what constitutes this process but rather its structures of causation, its mechanisms, and effects.<sup>16</sup> What both approaches seek to explain is the process whereby European hegemony was gradually extended over the entire globe. Also generally accepted is the view that the contemporary imperialist phenomenon has its roots in the expansion of European mercantile activity from the end of the fifteenth century.<sup>17</sup>

In this vein, Magdoff spells out what distinguished this process from other imperial movements in history, viz. "...the extent to which the conquerors imposed social and economic changes on their victims and the degree to which the latter became appendages of the

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<sup>16</sup> In this regard the key point of distinction between the liberal and materialist schools is that the former defines imperialism as essentially a political process; As Robinson and Gallagher argue it is the application of state power, be it in the informal form of gun-boat diplomacy, or direct military invasion that makes expansionsim imperialist. See Robinson, R. and Gallagher, J. "The Imperialism of Free-Trade", in: Imperialism: The Robinson and Gallagher Controversy. (ed.) W.M.R. Louis (New York, 1976); Robinson, R. and Gallagher, J. Africa and the Victorians: The Official Mind of Imperialism. (London, 1983). Opposed to this is the materialist position that argues that economic aspects of the process are the determining factors. See Lenin, V.I. Imperialism: The Highest Stage of Capitalism. (Moscow, 1984); Arrighi, G. The Geometyery of Imperialism: The Limits of Hobson's Paradigm. (London, 1983) and Nabudere, D.W. The political Economy of Imperialism. (London, 1977).

<sup>17</sup> In contrast to Lenin who concieved of Imperialism only in the post-1870 period, a consequence of the hegemony of finance capital, a body of materialist writing explores the phenomenon of imperialism from its mercantilist roots. In this regard some writers have offered critiques of the Leninist position, including Arrighi, G. op. cit., Nabudere, D.W. op. cit., and Magdoff H. "European Expansion since 1793", in: Imperialism: From the Colonial Age to the Present. H. Magdoff (New York, 1978).

company rule in 1795. In more concrete terms, this contradiction manifested itself in a variety of forms, ranging from the unwillingness of the company to support settler expansionism beyond a certain limit and indeed cost,<sup>32</sup> through to the restrictive controls on the internal market.<sup>33</sup>

One important point of qualification to the above argument needs to be restressed here. While a gradual shift in the balance of class power away from the company was a consequence of the growing assertiveness of elements of the burgher population, it was only partially so. Of far greater significance was the declining global hegemony and power of not only the VOC, but Dutch imperialism as a whole; a process of decline that tended to intensify this contradiction.

It is indeed fitting testimony to the extent to which these contradictions had reached a point of maturity, that one of the most penetrating analyses of VOC rule should come a mere few years after the capture of the Cape by the British. Often ignored by historians because of his tendency to over exaggerate the productive worth of the colony, Commissioner de Mist's memorandum to the Batavian government in 1802 offers a penetrating assessment of the company system of rule, an assessment that is valuable for both its analytical and ideological insights.

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<sup>32</sup> Schutte, G. "Company and Colonists at the Cape" in, the Shaping of Southern African Society, 1652-1820. (eds.) R. Elphick and H. Gilliomee. Cape Town, 1979. pp 187-203.

<sup>33</sup> Ibid. pp 174-185.

In this respect de Mist quickly perceived that the "unsettled" nature of the colony was largely the result of what he considered to be "bad" government: "The oppressiveness of the present system of government," he wrote, "and the illfeeling which its administration engenders is chiefly responsible for the persistent discontent, murmuring and rebellion of the settlers."<sup>34</sup> In this vein de Mist argues that "a new form of government,"<sup>35</sup> was necessary to end, "...the quarrels, divisions, and disturbances of all kinds."<sup>36</sup>

This emphasis on changing the form of government is important, for de Mist saw the problems of company rule as related to not only the inability of the company to adapt its administrative structure to the changing social conditions within the colony,<sup>37</sup> but also as related to the basic nature of the state, ie. as a mechanism to ensure the profitability and supremacy of company interests.<sup>38</sup> In the parlance of nineteenth century liberalism, this concern is demonstrated in the critique of the institution of "commercial" government that de Mist offers,<sup>39</sup> and how a shift from commercial to constitutional government was necessary, "...to place the colony

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<sup>34</sup> De Mist, J.A. op. cit. p 183.

<sup>35</sup> Ibid. p 165.

<sup>36</sup> Ibid. P 161.

<sup>37</sup> Ibid. p 171.

<sup>38</sup> Ibid. p 168-169.

<sup>39</sup> Ibid. p 168. Interestingly de Mist defines a Commercial governemnt, "...as one which has as its main objective the making of money, most of which is for the advancement of the Company as a whole."

on a profitable footing."<sup>40</sup>

In characterising the nature of the crisis at the close of VOC rule then, one must conclude that it was a manifestation of the central contradiction within the structure of the state; a contradiction that arose as a consequence of the interests of the company being conflated with those of the colony. While the colony remained little more than a refreshment station, and the power of the VOC was unchallenged, this contradiction remained within manageable limits. Once the colony began to expand, however, subtle shifts in the locus of power were evident, such that social classes spawned by the penetration of capitalist social relations began to challenge the prevailing hegemony of the VOC over the apparatus of the state. The massive differentials of power between particularly the VOC and the burghers, however, ensured that for much of the eighteenth century the VOC had little trouble in maintaining this hegemony. Yet once the decline of the VOC was clearly evident, this situation began slowly to change. The collapse of company rule, and the emergence of the settler republics in the interior, thus ultimately reflected the collapse of the mercantile system that had underscored Dutch imperial hegemony, itself a consequence of the changing modalities of imperialist exploitation.<sup>41</sup>

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<sup>40</sup> Ibid. p 165.

<sup>41</sup> Historians in general cite the Seven Years war between the United Provinces and England in the late 1750s as the crucial turning point in the decline of Dutch maritime supremacy, although Wallerstein argues that the decline of Dutch hegemony had already begun by this period. See Wallerstein, I. The Modern World System. (London, 1982), pp 212-215.

The Transitional Period: The reconstruction of State Power.

On the one hand, the Cape's incorporation into the British Empire finally provided a military force on the frontier sufficient to ensure eventual European hegemony over the Xhosa. On the other hand the rise in land values that followed, and in particular the introduction of Merino sheep... led not only to a greedy demand for newly conquered territory, but also<sup>42</sup> to the extension of colonial settlement into new areas.

As Ross astutely observes, the transition from Company to British rule is best appreciated in terms of the increased intensity with which the dual processes of conquest and expansion were pursued. Yet while this is true, it applies largely to the period after the formal annexation of the Cape midway through the second decade of the nineteenth century. Much of the so called "transitional" period lacked the aggressive and expansionist character that tended to characterise the latter period of British rule.

Yet despite this it would be inconceivable to imagine the conquests and expansion of this latter period, if there had not been prior fundamental changes in the fabric of social relations prior to this. After all the situation at the closing of company rule could hardly be characterised as one that was conducive to such developments. While the initial period of transitional rule may, therefore, have lacked the more spectacular aspects of, for instance, the mineral revolution of the 1870s, it is important to realise that crucial transformations were occurring, particularly at the level of the state; a consequence of the fact that it was at this level that

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<sup>42</sup> Ross, R. "The Cape of Good Hope and ..." p 8.

the crisis of Company rule was most acute..

In this respect Britain's initial priority upon the occupation of the Cape, was to restore "firm government".<sup>43</sup> Troops were immediately dispatched into the interior to "...quell the spirit of Jacobinism, which so universally prevailed in the colony..."<sup>44</sup> It is significant that the British, while occupying the Cape for ostensibly strategic reasons, should act so decisively against the threat of rebellion; significant because strategic considerations were not as all pervasive as some writers suggest.<sup>45</sup>

Clearly the occupying forces sought to place the colony back on a profitable and stable footing; a tendency clearly illustrated by the priority the British attached to ending the rebellion in the district of Graaf-Reinet. As Major-General Craig was to write in a despatch to the War Office in December 1795, "...the colony receives almost the whole of its supplies of cattle and Sheep from Graaf-Reinet, which renders it an object of the first attention."<sup>46</sup>

British activity was, moreover, hardly confined to the deployment of

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<sup>43</sup> Letter from Lord Macartney, dated 13 July 1797. C.O. 49/1.  
 PRO p 119.

<sup>44</sup> Letter from Major-General Craig, dated 27th December 1795.  
C.O. 49/1. PRO. p 44.

<sup>45</sup> For this kind of analysis see Turner, L.C.F. "The Cape of Good Hope and the Anglo-French conflict, 1797-1806", in: Historical Studies: Australia and New Zealand. IX 1961.

<sup>46</sup> Letter from Major-General Craig, dated 27th december 1795.  
C.O. 49/1. p 49.

troops, and the ending of the rebellions. From a reading of the despatches in the early months of British rule, it becomes clear that the collapse of a system of effective administration was a state of affairs the British were not prepared to tolerate. Every effort was made to not only restore order in the fastest and least traumatic manner, but also to restore effective administration in the colony. In this vein proclamations were issued to re-establish the Courts of Justice,<sup>47</sup> the Treasury,<sup>48</sup> the various Landdrosts,<sup>49</sup> to outline the functions of the Landdrosts and Heemraden,<sup>50</sup> and to regulate trade.<sup>51</sup>

What is particularly significant about the manner in which the British chose to reconstitute the basic organs of the colonial state was the stark continuities in its outward form with its Dutch predecessor. "All matters shall," Major-General Craig wrote ,<sup>52</sup>

...remain on the same footing as when under the government of the Dutch East India Company...and that such distinctions of Rank and Titles according to the several offices be continued to the officers of the Dutch east India Company and to the Burghers in the same manner...

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<sup>47</sup> Proclamation issued by General Clarke et al in: Records of the Cape Colony. (hereafter RCC) (ed.) G.M. Theal, vol. 1 October 1795. p 184.

<sup>48</sup> Ibid. p 184.

<sup>49</sup> Proclamation issued by General Clarke et. al., dated 15th October 1795 in: RCC vol. 1 p 199.

<sup>50</sup> See annexures to despatch dated 27th Decembe 1795 from Major-General Craig. C.O. 49/1 p 49.

<sup>51</sup> Ibid. p 49

<sup>52</sup> Proclamation issued by Major-General Craig, dated 10th November 1795, in: RCC vol. 1 p 222.



Yet while on the surface it appeared that little had changed particularly with regard to the outward character of the state, subtle, but nevertheless significant, changes had been effected. To begin with, the British in contrast with the VOC, possessed both the means and determination to address themselves to those aspects of the crisis they perceived as demanding their attention. While this more forceful application of state power won the British few allies, by 1797 Lord MacCartney was able to inform the War Office that "firm" and "orderly" government had been restored to the colony.<sup>53</sup>

Thus at one level, the occupation of the Cape by the British, implied a fundamental realignment in the prevailing configuration of power relations. The occupying forces made every effort to re-establish imperial hegemony over not only the state but also the terrain of civil society. Yet there is a more significant level at which even more far-reaching changes were to be manifest, viz. in terms of the basic organising principle of the state. Indicative of precisely such a tendency was the distinctively new ideological disposition of the British rulers. As Freund points out, the new emphasis placed by British officials on the issue of technical efficiency in matters of state, as they related to economic and administrative activity, demonstrated the influence of both Enlightened and Secularist approaches to statehood.<sup>54</sup> From as early as 1797 one begins to

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<sup>53</sup> Letter from Major-General Craig dated 8th March 1796 on the Swellendam and Graaf-Reinet rebellions, C.O. 49/1. p 59. "The English have few friends in the settlement," wrote Craig, "the inhabitants of which are kept in obedience by their inability to resist His Majesty's forces."

<sup>54</sup> Freund, op. cit. p 228.

witness the first signs of an application of these ideas. A clampdown on corruption was initiated and an increase in the salaries of colonial officials ordered. These were clear steps towards encouraging an efficient and professional administration.<sup>55</sup>

The emphasis on technical efficiency marked but one area of concern. The philosophical notions of "sovereignty", "mutual and reciprocal benefits", and the "social contract" slowly came to dominate the ideological schema of the ruling classes. But one should note as Freund does, that the application of these notions were modified by the, "...inherently extractive nature of the colonial relationship ...and the inhibiting influence of the counter-revolution of the 1790s", the British and later Batavian regimens perceived the nature of the state in significantly different terms from their VOC counterpart.<sup>56</sup> While the British administration was no less authoritarian than its predecessor, gone was the belief that the state represented one specific and narrow set of interests.

The impact of changing ideological patterns was, however, slow and at times contradictory.<sup>57</sup> Of greater significance were the dramatic changes that occurred in the structural linkages between colonial and metropolitan states. With the transition from company to British

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<sup>55</sup> Ibid. p 230.

<sup>56</sup> Ibid. pp 228-229.

<sup>57</sup> Letter from Lord Macartney dated 15th december 1797 on the prospects of British rule at the Cape. C.O. 49/1. p 138. Here Macartney actually suggests committing the Colony to the charge of the English East India Company; a clear indication of the fact that mercantilist perceptions still prevailed in certain elements of British Imperialism.

rule, the nature of these linkages underwent a fundamental transformation. At the best of times, the Cape colonial state during the company period was integrated only indirectly into the metropolitan state; these linkages were mediated through the VOC, or more specifically the Heren XVII. Only in extreme cases did the Dutch imperial state attempt to interfere in Company-related matters, and then its impact was hardly dramatic.<sup>58</sup>

The establishment of a new administration under the jurisdiction of the military arm of the British state, meant that not only were government officials able to draw on the full power of the British imperial state to enforce policy, but that the linkages between colonial and metropolitan state were now direct. In terms of the interests reflected in the apparatus of the Cape colonial state, this direct integration into the British imperial nexus implied that the state began to reflect the broader, more complex concerns of its metropolitan counterpart. The intimate nature of the linkages was, as Kirk points out, epitomized in the position of the Governor, the executive pinnacle of the reconstituted colonial state:<sup>59</sup>

The Governorship... formed an integral part of the metropolitan administrative system: It was simply an adjunct of the Colonial Office which delegated

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<sup>58</sup> An example of this was the attempt by the Dutch state to impose restrictions on the activities of the VOC is instructive. Indeed despite treaties between the government of the United Provinces and England, securing for the latter a portion of the spice trade in the East, the VOC during the early and middle of the 18th century continued to maintain an absolute monopoly; English ships being continually harassed by the VOC. See particularly Wallerstein, I. op. cit. pp 47-50.

<sup>59</sup> Kirk, T.E. Self-Government and Self-Defence: the inter-relations between British and Cape Politics, 1846-54. Unpublished D.Phil thesis, Oxford University, 1973. p 42.

authority. A Governor could take an independent line and carry his superior with him. But it was the British government which had autocratic powers at the Cape. The Governor exercised them on its behalf.

At one level, therefore, a transition in the structural composition of the colonial state was evident. But as was noted earlier, it was a transition that was largely obscured by the fact that in many respects the outward forms of the state remained intact; a state of affairs that characterised the first occupation of the Cape by the British.

Yet while the British showed little interest in embarking upon any serious programme of reforming the structures of the state, the same does not seem to apply to the Batavian administration that assumed control of the Cape in 1803. Looked at superficially, "Batavian policy aimed at making a real and permanent impact on the Cape."<sup>60</sup> Yet while the Batavians may have been committed to "...a revolutionary reform programme", Freund believes,<sup>61</sup>

...the Batavian period can best be interpreted as a continuation within the history of the colonial Cape, of a period of growing social complexity and tension. Like their predecessors, the Batavians understood the need for reform but failed to develop any meaningful reform policies.

While Freund is correct in noting that the Batavians failed ultimately in implementing significant reforms, this would seem to be due not to their failure to develop any significant reform policies, but rather to their failure to mobilise sufficient resources to implement such a programme. In this regard the appointment of de

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<sup>60</sup> Freund, W. op. cit. p 213.

<sup>61</sup> Freund, W. Society and Government... p 1.

Mist as Commissioner-General to the colony must, in part, be seen as a tacit acceptance by the central Batavian administration of de Mist's not insignificant attempt to develop precisely such a reform programme. That he was continually forced to retreat from his initial proposals when confronted with the realities of the colony, highlights rather the nature of the broader social constraints, a point stressed by Freund.<sup>62</sup>

Essentially, therefore, the Batavian period was a continuation of the early British administration, in which the trends towards increased administrative efficiency, and the centralisation of power towards the central executive were heightened. While the Batavian regime may have lacked the wherewithal to carry through the sorts of changes envisaged by de Mist, the state was able to act very effectively in maintaining the balance of social relations, so carefully restored by the British. True, the Batavian regime was as reluctant as its British counterpart to grant to the settlers any rights that infringed upon its ability to govern the colony. Yet at the same time, it allowed them to play an increasingly significant role in the administration of the colony.

At this point it is necessary that one examine briefly the prevailing configuration of class alliances, and how these were reflected in the composition of the state. While elements of the settler population had occupied positions in the apparati of the state during the company period, particularly in the rural areas as heemraden and

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<sup>62</sup> Ibid. p 187. See also Freund, W. The Cape under... p 224.

veldkornette, the extent of their power and responsibilities had always been severely limited; a consequence of the fact that Company rule had scarcely been able to effectively penetrate the vast outlying areas of the colony.<sup>63</sup> Furthermore, where a rudimentary administration did exist, every effort was made by the Company, or more correctly its local representative the Landdrost, to ensure that its interests remained hegemonic.

The appointment of Burghers to the position of Landdrost, a tendency initiated by the British, gave the settlers their first real taste of power. Representatives of their class were now in a position to interpret and administer the laws that affected their livelihood. It was, however, only during the later Batavian administration that the consequences of this development manifested themselves. Capitalising on the inroads made into the countryside by the British administration, the Batavians were able to win the support of significant elements of the Burgher population, thereby ensuring that a relatively effective administration was maintained. Yet even here, it must be noted, these gains were only marginal. The extension of an effective administration into the countryside had to wait until the growth in the colony's communications network, later in the century.<sup>64</sup>

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<sup>63</sup> Ross, R. The Cape of Torments... pp 35-37.

<sup>64</sup> In this regard see Sachs, A. "Enter the British Legal Machine: Law and Administration at the Cape 1806-1910", in: The Societies of Southern Africa during the Nineteenth and Twentieth Centuries, Vol. I. Institute of Commonwealth Studies, University of London. 1976.

Relative though these gains may have been, the extension of its administrative network, and the incorporation of a growing number of settlers into its framework, had an important impact on the overall trajectory of state formation in the colony. The cooption of particularly the settler elite in the south western districts of the colony within the structures of the state illustrates the nature of political alliances that were subtly being forged during this period; a pattern of alliances that was to set the tone for future developments. Indeed as Marks and Atmore suggest with regard to the second British administration established after the occupation of the Cape in 1806, "the British appear to have followed the Batavian precedent in the decision to employ the Cape Dutch as a collaborating class."<sup>65</sup>

In a very important sense therefore, the character of the Cape colonial state came to be determined by a complex array of local and metropolitan interests. Yet despite being able to reflect local settler interests to a degree, the interests of the metropolitan power remained paramount; the authoritarian structure of the colonial system allowing only a marginal degree of latitude for dissent. This was made painfully clear in the Batavian regime's refusal to countenance the sorts of measures deemed necessary by settlers on the frontier to check the threat of African attack.

It was only with the return of the British, that there was a regime

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<sup>65</sup> Atmore, A. and Marks, S. "The Imperial Factor in South Africa in the Nineteenth Century: Towards a Reassessment", in: Journal of Imperial and Commonwealth History. III, 1 (1974) p 111.

at the Cape willing to intervene in this matter and tip the balance of power in the favour of the settlers, which led ultimately to the expulsion of the Xhosa from the Suurveld, and their eventual defeat in the middle of the century. Despite the fact that the British were only to gain formal control of the colony in 1812, the British began the second occupation of the Cape by attempting to resolve specifically the crisis on the frontier. By all accounts, it would seem that certain colonial officials were impressed with the overall prosperity of the colony; a prosperity they argued that could be enhanced if the overall stability of the colony could be re-established.<sup>66</sup> Therefore, if Freund's assertion that the "...post-1806 period was more stable and less conflict ridden" is to be believed, one has to appreciate the decisiveness of British imperial intervention during the initial years of the second occupation.<sup>67</sup> Writing some two decades later in a report on the nature of the colony's administrative structure, the Commissioners of Inquiry were to note that amongst the first measures adopted by the new government, was the attempt to, "...secure the frontier of Caffairia (sic)" by the deployment of troops in Uitenhage, and then, "...subsequently, of the forceful expulsion of the Caffres from the Zumeveld, (sic!) to the northern bank of the Great Fish River..."<sup>68</sup> Interestingly the commissioners argued that,<sup>69</sup>

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<sup>66</sup> See for example Letter from Sir David Baird, dated 17th January 1807. C.O. 49/3, PRO.

<sup>67</sup> Freund, W. op. cit. p 214.

<sup>68</sup> Report of the Commissioners of Inquiry. I Upon the Administration of the Government at the Cape of Good Hope, II. Upon the Finances of the Cape of Good Hope, L59, Library of Royal Commonwealth Society (RCS). May 1827 p 7.



...in regulating its intercourse with the Caffre tribes, the colonial government found it necessary...to have recourse to more energetic measures than it had been within the power of the Batavian government to employ...

It goes without saying that the decisive impact of the British military in securing the eastern frontier, went a long way in reconciling many of the settlers in the agricultural hinterland to the occupying forces.<sup>70</sup> Yet clearly the British were not content with merely securing the colony from the threat of external attack.

The remaining years of the transitional period, witnessed a continuing increase in state activity, as colonial and state officials sought to regulate and influence the pattern of social development. Among the most outstanding interventions of the state were those that sought to reshape the nature of social relations between master and slave. On the orders of the metropolitan state, the first step in this direction was taken with the outlawing of the trade in slaves in 1807.<sup>71</sup> While one would do well not to overexaggerate the significance of this step, it is clear that it marked an important landmark in the overall movement towards emancipation and hence the specific system of "free" labour at the Cape.<sup>72</sup> It is therefore not without significance that during the early years of British rule,

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<sup>69</sup> Ibid. p 7. (Emphasis mine).

<sup>70</sup> Gilliomee argues that the expulsion of the Xhosa from the Suurveld went a long way towards reconciling Boer antagonisms to the British in the frontier regions. Gilliomee, H. "The Burgher Rebellions on the Eastern Frontier, 1795-1815", in: The Shaping of South African Society, 1652-1820. (eds.) R. Elphick and H. Gilliomee (Cape Town, 1982) pp 348-349.

<sup>71</sup> Ross, R. op. cit. p 117.

<sup>72</sup> see p 43 of draft.

one finds the state attempting to influence the nature of development of the system of "free" labour. In November 1809 proclamations were issued extending the pass laws to free labourers, and the registration of contracts,<sup>73</sup> while in 1812, and again in 1819, regulations were introduced governing the system of apprenticeship.<sup>74</sup>

While the regularisation of social relations may have had certain marginal benefits for the producing classes within the colony, Freund correctly observes that the early nineteenth century was a period, "...of consolidation of white control in the countryside...(as)...the British and Batavians intervened with increasing decisiveness on the side of the masters."<sup>75</sup> A further development in this trend towards a growing interventionism of the state, was the institution of the Circuit Courts in 1811.<sup>76</sup> While I intended to deal with the development of the judicial apparatuses of the state more fully later in this chapter, it is important to realise at this point that more than any other single institution, the courts were to play a pivotal role in integrating the vast outlying regions of the colony into the "colonial legal order"; a euphemism for the ambit of the state.<sup>77</sup> Let it be sufficient to note at this stage therefore, that

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<sup>73</sup> Proclamation by the Earl of Caledon, 1st November 1809, in: RCC VII pp 211-216.

<sup>74</sup> Proclamation by Sir John Cradock, 23rd April 1812, in: RCC VIII, p 385-387.

<sup>75</sup> Freund, W. op. cit. p 214.

<sup>76</sup> Sachs, A. op. cit. p 10.

<sup>77</sup> Ibid. p 11.

the operation of the judicial process,<sup>78</sup>

...did not tamper with social differentiation, on the contrary it regularized it; it gave all inhabitants a forum for the expression of grievances; it established the machinery for the systematic investigation of complaints; and it gave an aura of impartiality to the extension of government control...

In contrast to the impression of impartiality, however, the state was anything but an ambivalent observer of the process of social change occurring during this period. In a variety of ways, some of which have been touched on above, the state played an important part in influencing and regulating the development of the colony. To a large extent, this was achieved by the extension of the effective operation of the state to areas previously unintegrated into its functioning; a consequence of the growth of the state's administrative machinery. Part of this process involved the inclusion of an element of the settler elite into the apparatuses of the state; an inclusion that implied the broadening of the pattern of class alliances represented in the structures of the state.

One must, however, note the following qualification: While wide-ranging changes were effected during this period; they were subtle and gradual. "The reformist impulses of the early British and Batavian administrations were," notes Peires correctly, "soon submerged by the weight of established Cape practice to the extent that by 1814 the transitional governments had simply reaffirmed the essentials of Cape social structure as it had existed prior to

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78 Ibid. p 11.

1795."<sup>79</sup> What Peires fails to acknowledge, however, is that in order to reaffirm the essentials of the Cape's social structure, the foundations of political power had first to be reconstituted, for only once the hegemony of the state over civil society had been re-established could orderly and stable government be pursued. In this regard Freund's concluding remarks on the transitional era are well taken:<sup>80</sup>

The era of transition began in a time of crisis and conflict in Cape society; gradually the crisis dissipated and calm was restored. On the whole the recreated order was not the result of bold reforms by the government nor of dramatic social transformation. The reformist impulse came (only) slowly.

Undoubtedly the pace of reform was slow. Yet one should not lose sight of the fact that subtle social changes did occur, and at the vanguard of this process was a reconstituted colonial state.

Reform and Reconstruction: The Politics of Systematic Colonization.

...in every corner of the globe, we have planted<sup>81</sup> the seeds of freedom, civilisation and Christianity.

Beginning in the 1820s, a process of fundamental change was to sweep across the colony, transforming the general pattern of social

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<sup>79</sup> Peires, J. "Casting off our old skin: The British and the Cape, 1814-1834." Manuscript from forthcoming second edition of The Shaping of South African Society. p.1. My thanks to Rob Ross for providing the manuscript and to Jeff Peires for permission to quote from it.

<sup>80</sup> Freund, W. op. cit. p 236.

<sup>81</sup> Speech of the Rt. Hon. W. Huskisson delivered on 2nd May 1828, in: Speechs of the Right Honourable W. Huskisson (London, 1831) Vol. II p 287.

relations. As was noted earlier, it would be inconceivable to imagine that such dramatic changes could have occurred, had it not been for the successful reconstruction of state power and imperial hegemony during the transitional period. At the same time, however, one must avoid the teleological mistake of suggesting that such a reconstruction of state power was initiated with the aim in mind of promoting reforms at a later date. By all accounts, it would appear that the issue of reform hardly figured in the minds of particularly the British rulers right up to the point when Lord Charles Somerset assumed office in 1814.<sup>82</sup>

In this respect one must take cognisance of the fact that at the turn of the century, important changes were just beginning to make themselves felt in Britain, changes that were to have a dramatic impact on the trajectory of capitalist development both in Britain and internationally. Indeed the first decades of the nineteenth century were a period of unparalleled industrial expansion and development that brought with them intense social struggles and rapid transformation;<sup>83</sup> struggles and transformations that were to transform the character of the British state.<sup>84</sup>

One must note, however, that this process of transformation was

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<sup>82</sup> Peires, J. op.cit. p 1.

<sup>83</sup> In this regard see particularly Hobsbawm, E.J. The Age of Capital 1848-1875. (London, 1984) and The Pelican Economic History of Britain: Industry and Empire. (New York, 1984) Vol. III.

<sup>84</sup> Richards, P. "State formation and Class Struggle 1832-48", in: Capitalism, State Formation and Marxist Theory: Historical Investigations. (London, 1980). pp 72-74.

gradual. Only very slowly did the state come to embody interests that extended beyond the "political aristocracy" and forge for itself a sense of relative autonomy from civil society. As Richards points out, "...the new capitalist state, as it actually existed in the 1850s and 1860s, (must) be explained as a product of the class struggles of the 1830s and 1840s."<sup>85</sup> While the movement towards a democratic form of state in part reflected the successes of working class struggles, it has to be noted that they similarly reflected the growing sophistication of capitalist rule;<sup>86</sup> a trend epitomized in the emergence of what Richards calls the "cultural state".<sup>87</sup>

The passing of the Factory Acts and the founding of the Department of Education in the late 1830s were significant landmarks in the development of this cultural state; a state that reflected the constantly altering terms of ruling class hegemony.<sup>88</sup> By the 1850s the ruling classes had been able to, "...win and keep the consent of the dominated classes to their own domination."<sup>89</sup>

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<sup>85</sup> Ibid. p 55.

<sup>86</sup> Ibid. p 73.

<sup>87</sup> The concept of the "cultural state" is a Gramscian notion that embodies the idea that modern capitalist states have been able to generate the support and consent of the ruled to their own domination. See Ibid. p 74.

<sup>88</sup> Ibid. p 72.

<sup>89</sup> Ibid. p 74.

The emergence of a new structure of hegemony, however, also brought with it new, more sophisticated means of dealing with class protests. Apart from a monopoly in the legitimate means of coercion, the state also had recourse to the courts and the newly established police force,<sup>90</sup> to say nothing of more subtle strategies such as state aided emigration.<sup>91</sup>

In terms of the argument that follows, it is interesting to note the strategic position of particularly the judicial system during this period. While dealing largely with the eighteenth century, Hay observes that the operation of the legal system did much to foster the appearance of the relative autonomy of the state, an autonomy that made the courts powerful instruments of class rule. "The law," argues Hay,<sup>92</sup>

...was important as gross coercion; it was equally important as ideology. Its majesty, justice, and mercy helped to create the spirit of consent and submission, the mind forged manacles...binding the English poor.

By extending Hay's argument into the nineteenth century, it would seem that while the state was slowly creating the administrative

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90 See particularly Hay, D. "Property, Authority and Criminal Law", in: Albions Fatal Tree: Crime and Society in Eighteenth Century England, (eds) D. Hay, P. Linebaugh, J. Rule, E. Thompson and C. Winslow (London, 1975) as well as Steadman-Jones, G. "Class Expression versus Social Control? A Critique of Recent Trends in the Social History of Leisure", in, Social Control and the State: Historical and Comparative Essays, (eds) S. Cohen and A. Scull (Oxford, 1985).

91 Hay, D. op. cit. p 49.

92 Ibid. p 49.

network that was to build the edifice of the nation state, the courts played out a crucial role in preserving the fabric of class relations during this turbulent period of reconstruction.

The first half of the nineteenth century was, however, not only a period of dramatic change and transformation within Britain, it was also one of dramatic expansion overseas. The defeat of the combined French and Spanish navies at Trafalgar in 1805 ensured the supremacy of the British navy and paved the way for a concerted assault on French imperial possessions. The dramatic expansion of British imperial possessions in turn prompted major changes both in the official attitude to and administration of these new possessions, changes that were encapsulated in the reconstruction of the Colonial Office.

In the space of some two decades the Colonial Office was transformed from a marginal operation, subordinate to the administration of the War Office, to a fully fledged government department responsible for the running of Britain's overseas empire. Indeed prior to 1815, it is difficult to talk of a Colonial Office in any formal sense. As Manning notes, the impression emerges of profound chaos in the administration of Britain's colonial affairs. "Colonial despatches", writes Manning, "went unanswered, Colonial governors reported crises, complained of their wrongs, and even died without the Minister seeming to be aware of the fact."<sup>93</sup> In the immediate post-Napoleonic era, however, a fundamental reorganisation

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Manning, H. British Colonial Government after the American Revolution, 1782-1820, (Connecticut, 1966), p 475.



of the Colonial Office was initiated. As Manning explains:<sup>94</sup>

The sudden emergence of the Colonial Office at the end of the Napoleonic wars, fully armed and springing apparently from chaos, would be a surprising phenomenon if we were not able to trace the sources of its power and importance, to events and developments during the twenty year struggle with France. The great increase in the area of British dominion, the extraordinary powers of the Crown over the government and finances of the colonies, the growing sense of moral responsibility for the alien races who found themselves at the mercy of the colonists, the dawning recognition of the new use of colonial possessions - all these new elements in the life of the British Empire were bound sooner or later to call for reorganisation and guidance.

While Manning seems unable to distinguish the discrete levels at which these various impulses tended to operate, the point still comes through that central to the reorganisation of the Colonial Office, was the restructuring of the British imperial nexus as a whole.<sup>95</sup> In this respect the ascendancy of the Colonial Office, has to be understood in the context of the growing interventionism of the British imperial state; a state that sought to subsume the trajectory of colonial expansion to the complex array of interests manifest within it, and not as Manning notes some "arbitrary and capricious" fraction of it, viz. the Crown.<sup>96</sup>

Despite its intensive reorganisation in the immediate post-Napoleonic

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<sup>94</sup> Ibid. p 510.

<sup>95</sup> It is important to realise that the reorganisation of the Colonial Office coincided with a fundamental reorganisation in the nature of the global imperialist nexus, and in particular a shift from merchantile to colonial imperialism. See Magdoff, H. op cit. pp 21-26

<sup>96</sup> Manning, op. cit. p 540. See also Kirk, T. op. cit. p 95.

period, the Colonial Office remained unable to exert any real control over the internal administration of Britain's colonies until the mid-1830s, with the exception of one area, viz. the appointment of Governors and Lieutenant-Governors.<sup>97</sup> The sheer distances involved in the running of colonial affairs, the lack of knowledge with respect to the specifics of various colonies, as well as the weaknesses of organisation, militated against the ability of the Colonial Office to enforce the policies of the imperial state on a day-to-day level.

This much was, however, understood. And while it may be true that the 1830s mark the key period of reform in the formulation of policy and administration for the colonies, one cannot begin to grasp the apparent speed and ease with which such reforms were instituted, unless one grasps the important spade work done by the Colonial Office during particularly the 1820s. Indeed, the Colonial Office spent much of the 1820s investigating the nature of the links between the colonies and Britain as well as the conditions in the colonies themselves. Even the most superficial of glances reveals that scores of reports on these areas were initiated by the Colonial Office, creating the empirical foundation for reform.<sup>98</sup> Only in

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<sup>97</sup> Manning, H. "Who ran the British empire 1830-1850", in: Journal of British Studies. V, 1 (1965) p 89.

<sup>98</sup> See for example the Report into the Courts of Justice, in RCC XXVIII pp 1-110; Report into Criminal Law and Jurisprudence, in RCC XXXIII pp 1-129; the oft cited Report into the Administration and Finances of the Colony, in RCC XXVII, pp342-504; the Report into the Exchange Rates, RCC XXIV, pp 119-124; the Report on the forms of Land Tenure, RCC XIX pp 367-375; the Report on the Condition of the Settlers, RCC XXII pp 141-153; and perhaps most importantly the Reports into Slavery RCC XXXV pp352-380, the "Hottentot" population RCC XXXV pp306-351 and Trade RCC XXXV

the 1830s, once the bulk of these investigations were complete, were Colonial Office officials in a position to begin to compose despatches that would act as policy guidelines to newly appointed Governors.<sup>99</sup>

Turning to the "reform" era of colonial policy itself, however, one must note that much of the debate within ruling class circles around the issues of "free trade"<sup>100</sup> and "systematic colonization",<sup>101</sup> derived their vitality from the structural transformation occurring on the terrain of global accumulation.<sup>102</sup> Indeed when one refers to the "reform" period, one refers to the subtle process of restructuring mentioned in the introduction to this thesis.<sup>103</sup> Here the important shifts in the nature of trade links and the composition of goods involved in this trade are of particular relevance. Indeed by the 1830s the tendency to integrate peripheral societies as essentially providers of raw materials to the industrialising centre were well advanced.

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pp229-288.

<sup>99</sup> Manning, op. cit. p 89.

<sup>100</sup> The "free trade" polemic derived much of its vitality from the writing and politicking of Bentham and his followers both inside and outside parliament. See Richards et al op. cit. pp 57-59, and Kirk, T. op. cit. pp 84-86.

<sup>101</sup> The notion of "Systematic Colonization" grew out of the polemic pioneered by Wakefield. See Wakefield, .. A View to the Art of Colonization with Present Reference to the British Empire. (London, 1849).

<sup>102</sup> Nabudere, W. op. cit. pp 50-85.

<sup>103</sup> See pages 11-15.

As for the Colonial Office itself, one notes in the despatches of the period a greater sense of self-confidence, and a willingness to enforce "reforms" over quite often unwilling and hostile officials and local settlers. The Emancipation issue gives one crucial insights into the determination of the Colonial Office to enforce the process of global restructuring.<sup>104</sup> Yet despite its growing power to influence the trajectory of colonial expansion, one should bear in mind that the Colonial Office remained an integral element of the British imperial state. While its function was to supervise the political, economic and military affairs of the colonies, it was to do so, "...in concert with other ministeries (of state)."<sup>105</sup> As Kirk goes on to note,<sup>106</sup>

Its regular despatches to governors were written after consultation with whatever other ministry seemed best qualified to advise on the business concerned...The cabinet (furthermore) saw all important communications. Disputes between departments were commonly referred to the Prime Minister. So major decisions on colonial policy - ie. those affecting what ministers felt were Britains vital interests - almost invariably reflected the collective will of the government.

Two crucial points need, thus, to be borne in mind about the nature of the imperial context during the first half of the nineteenth century: the first is that it is a context that is undergoing rapid

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<sup>104</sup> In this regard comparative studies throw considerable light on the nature of the international context of this process. See for example Brizan's study of Grenada. Brizan, G. Grenada: Island of Conflict; From Amerindians to Peoples' Revolution 1498-1979. (London, 1984) Chapters 8 and 9. ...

<sup>105</sup> Kirk, T. op. cit. p 85.

<sup>106</sup> Ibid. p 93 (Emphasis mine).

and profound changes. Britain in particular was to be especially affected, the early nineteenth century being the climactic period of her "industrial revolution". Secondly with regard to the global context itself, it was a period of fundamental restructuring, as the various imperial powers (under the hegemony of Britain) sought to transform the manner in which peripheral societies were integrated into the global nexus. Alongside the expansion of particularly Britain's trade, went the expansion of the British imperial state, as it gradually extended its structures into the peripheries, thereby cementing the ties of economic domination with the links of political subordination; links that were mediated through the structures of the Colonial Office.

Reform and Reconstruction: The Growth of a Court-Centred Administration at the Cape of Good Hope, c.1820-1840.

At the opening of the previous section, it was noted that there was nothing inevitable about the profound transformations that were to engulf the Cape of Good Hope in the nineteenth century. To begin with wide-sweeping changes were only just beginning to make themselves felt in Britain itself. Likewise at the Cape, a powerful array of local classes had a vested interest in the prevailing status quo. As Peires successfully demonstrates, Dutch as well as British merchants, farmers and even colonial officials were generally content with the prevailing network of patronage and class rule. "The death of the VOC", writes Peires,<sup>107</sup>

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107 Peires op. cit. p 29.

did nothing to eliminate the fundamental assumption of the Cape commercial elite that financial profit was the legitimate goal of administrative activity. Ironically enough, the Cape Dutch found that British rule suited their interests far better than the monopolistic regime of the VOC...

In the town as well as the countryside, then, the system of "old corruption" remained largely intact, and indeed under the Governorship of officials like Somerset, was even extended.<sup>108</sup>

Yet despite the hostile environment, calls for changes and reforms were expressed from increasingly significant elements of the ruling classes well before the eventual adoption of such changes in the late-1820s. One particular focus point was the fetter surviving mercantilist institutions and practices placed on the commercial activity of the colony. Particularly affected were certain British merchants, who were particularly vocal in their criticisms. "The mercantile community was suffering", wrote one commentator, "owing to the Court of Justice's lack of acquaintance with the English language and commercial practice."<sup>109</sup>

Likewise certain Colonial officials advocated the need for reform long before the 1820s; a demand that was couched in terms of

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<sup>108</sup> "Old corruption" in the context of the Cape referred to the network of patronage and bribery that characterized the relationship between the state and the burgher population. As Peires points out, this network allowed the relatively affluent members of the burgher population to "persuade" officials of state to either grant the former concessions, usually related to land grants, or at the very least, ignore contraventions of existing legislation. Peires op. cit. pp 29-32.

<sup>109</sup> Sturgis, J. "Anglicisation at the Cape of Good Hope in the early nineteenth century", in: The Journal of Imperial and Commonwealth History, IX, 1 (1982) p 10.

encouraging a process of Anglicisation. Indeed as early as 1811, Sir John Cradock had expressed the desire that there would appear the inclination ,<sup>110</sup>

...to assimilate the institutions of this country to those of England, as I conceive it, a prudent introduction of every British principle and practice, besides an allowable confidence in their excellence, forms precisely so many steps in the attainment of Belief and in an inseparable English connexion (sic).

Leaving aside the contention that British social institutions were Divinely inspired, it is important that Cradock links social reform with the establishment of an "inseparable English connexion". In part therefore, the desire for social reform, ie. Anglicisation, was from the outset, intended to strengthen the subordination of the colony to the interests of the metropole.

Yet the first major assault on the system of the "old corruption" of traditional rule, was to come not from agents of the state, but rather from the British settlers who had begun to arrive at the Cape from 1820. Again following Peires one notes that,<sup>111</sup>

the majority of 1820 settlers were not English country gentlemen seeking merely to replicate their traditional lifestyle, but were themselves products of the new nineteenth-century England, seeking out in a strange land the opportunities which their lack of substantial capital denied them at home. Above all they were a people habituated to the use of money in commercial transactions.

These newly arrived settlers were particularly concerned with the

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<sup>110</sup> Ibid. p 8.

<sup>111</sup> Peires, J. op. cit. p 6.

corrupt and authoritarian rule of Governors like Somerset. The absolute nature of the powers of the Governor ran counter to the emergent tradition of liberalism these settlers brought with them, a tradition that prompted them to call for reform of government.<sup>112</sup>

While the arrival of the 1820 settlers may have heralded the introduction of "a completely new set of productive relations", relations that were to destroy "the fragile equilibrium which familiarity had established between the British rulers...and their Afrikaner (sic?) subjects",<sup>113</sup> one would do well to note that this process was neither sudden nor wholly attributable to the settlers themselves. Indeed the whole programme of officially sponsored emigration had more to do with allaying the rising tide of social protest in Britain, than it did the concerns of shaping a society in Britain's own image.<sup>114</sup> Indeed the new sense of urgency added to the issue of reform by the actions of the settlers were largely unintentional and from the point of view of the government, undesirable. This much was noted in the report on the administration of the colony tabled in 1823:<sup>115</sup>

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<sup>112</sup> Given almost absolute powers in 1811, by the mid-1820s the Colonial Office had begun to introduce mechanisms that were intended to act as checks against the powers of the Governor. It was, however, only in 1854 with the institution of Representative Government that structural checks of major significance were finally instituted. Throughout the period covered in this thesis, one is confronted with a situation in which the Governor remained largely autocratic.

<sup>113</sup> Peires, J. op. cit. p 8.

<sup>114</sup> Sturgis, J. op. cit. p 12.

<sup>115</sup> Report on the Administration... L.59 p 16. (Emphasis



The introduction...of English settlers and the right of free discussion which they have claimed and exercised, together with the bold defiance they have given to the suspicions entertained of their disloyalty and disaffection to the government, have had the effect of exciting in the Dutch and native population, a spirit of vigilance and attention that never existed before to the acts of government, and which may render all future exertion of authority objectionable (except) that which is...founded upon the Law.

The establishment of this particular Commission of Inquiry in January 1823, marked an important turning point in the attitude of the Colonial Office to not only the administration of the colony, but the general pattern of colonial expansion. In establishing the terms of reference for the Commission the then Colonial Secretary, Lord Bathurst, sought to impress upon the commissioners the need to establish more efficient means of governing the various colonies they were to visit. In this vein they were to investigate any aspect of Colonial policy and rule that could, "...usefully contribute to the stock of information which it is the desire of H.M. Government to collect in order that they may be enabled to decide upon such measures as are best calculated to promote the immediate improvement and secure the lasting welfare of these valuable (colonial) possessions..."<sup>116</sup>

As a direct consequence of this and other reports,<sup>117</sup> the late-1820s were to witness the beginnings of the process of reform and reconstruction that was to dramatically transform the nature of

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mine).

<sup>116</sup> Letter from the Secretary of State Bathurst to the Commission of Inquiry into the state of the colonies, dated 18th January 1823 C.O. 49/8 (PRO).

<sup>117</sup> See page 51, footnote 98 for a list of relevant reports.

social relations at the Cape. One must, however, guard against attributing this process to any particular official, for the process of reform spanned several administrations, and was the consequence, "...of the inevitable dismantling of the old Dutch mercantilist system and its integration into the liberal political and economic order of the nineteenth century British Empire."<sup>118</sup>

In turning to the analysis of this process of reform, it would appear that three particular areas of social organisation formed the focus of official concern. Alongside the reforming of the judiciary, and a major reconstruction of the state's bureaucracy went the removal of the last vestiges of the mercantile system; a step designed to enhance the economic prosperity of the colony.<sup>119</sup> While acknowledging the dynamic interaction of these aspects of reform, it was the process of reconstructing the judicial apparatus of the state that was to have the most telling and immediate impact; a consequence of the fact that it was at this level that the state interacts with civil society on a day to day basis.

Indeed the assertion of judicial power was intended to accomplish two tasks: . Drawing from the example of eighteenth century Britain, the courts were to be reconstituted on the one hand, to provide the shield behind which social reforms could be imposed, and on the other to generate a sense of relative autonomy for the state as a whole. This latter goal was significant for it was the notion of relative

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<sup>118</sup> Peires, J. op. cit. p 36.

<sup>119</sup> Peires, J. op. cit. p 37.

autonomy that not only obscured the nature of class rule, but underscored the very legitimacy of the state, and by implication those classes dominant within it. In this respect, the reforming of the judiciary was to dramatically alter the nature of the relationship between the state and civil society, a development that is crucial to the argument of this thesis.

Having said this, however, one must note that ultimately the most dramatic and significant changes were to occur with the gradual dismantling of the mercantile economy. The most obvious and indeed best researched area in this regard, was the transformation in the nature of social relations between producing and appropriating classes in particularly the countryside.<sup>120</sup> Yet it would be inconceivable to imagine this process of restructuring at the level of the economy, had it not been for the more subtle transformations in the nature of the state. The adoption of the Slave Code in 1825, provides an interesting example of the dynamic interaction between reform at the level of the state and that of the economy.

Indeed, as Mason points out, the adoption of the code signifies the increasing power and prominence of the state. "For the first time, the Colonial administration could intervene directly in the day-to-

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 120 Work in this area has been extensive. See particularly Rayner, M. "Slave Worker and Free Worker: an analysis of the content and significance of the British Anti-Slavery Ideology and legislation", Draft Chapter presented at History Seminar, University of the Witwatersrand. November 1982; and Worden, N. "Slavery and Post-Emancipation in the Western Cape", Paper presented at the African Studies Seminars, Roots and Realities. University of Cape Town, July 1986; Marincowitz, J. "Rural production and Labour in the Western Cape, 1838 to 1888 with special reference to the Wheat growing districts", (D.Phil Thesis, University of London 1985).

day interactions between master and slave," argues Mason.<sup>121</sup> Yet while the Guardian of the Slaves may well have been a symbolic embodiment of a more assertive, interventionist state, it was at the level of the judiciary that the reality of state intervention was mediated. The Guardian of the Slaves, after all, had only the power to bring complaints before the courts; it was the courts that interpreted the code, and sat in judgement on particular cases.<sup>122</sup>

If nothing else, this episode highlights the already advanced nature of state reform, reform that had begun in the transitional era with the establishment of the Circuit Courts and the regularization of the functions of the Landdrost. Significantly, Sachs notes that these reforms were, "...initiated with a view to incorporating Boers, Khoi and slaves more firmly into the colonial legal order", a euphemism for the ambit of the state.<sup>123</sup> Central to the extension of this order, continues Sachs, was the idea that the legal system was to form the front line of state administration, or to use his own terminology, "a court centred system of administration".<sup>124</sup> That British officials were able to revitalise the old company structures of the judiciary, and lend to them a degree of effectiveness that had

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<sup>121</sup> Mason, J. "Slaveholder resistance to the Amelioration of Slavery at the Cape", Paper presented at the African Studies Seminar, Roots and Realities. University of Cape Town, 1986. p 19.

<sup>122</sup> It is important to note that the Guardian of the Slaves was little more than an institutional symbol. In reality his powers were not only severely restricted and far from being willing to encourage the end of slavery, his job was to regularize its practice. See Mason, J. op. cit. pp 20-22.

<sup>123</sup> Sachs, A. op. cit. p 11.

<sup>124</sup> Ibid. p 11.

been denied to them for much of their history, in no way meant that these structures were modernized. On the contrary, the judicial system of the VOC remained largely intact.<sup>125</sup> It was a system of judicial practice, however, that was being rapidly outdated by developments in the colony, and one that powerful interests both inside and outside the colony wished to see remodelled.

Indeed even before the publication of the report into the administration of the colony in 1826, the Colonial Office had built up quite a dossier on the need for legal and judicial reform.<sup>126</sup> One colonist had stressed the point that, "...an English Chief-Justice of high character and a more efficient lot of Judges and Law Officers is absolutely necessary to keep the colony in a state of tranquility."<sup>127</sup> Significantly the report itself called for, inter alia, the establishment of the office of Chief Magistrate, ostensibly to regulate the nature of relations between master and servant;<sup>128</sup> it also called for the introduction of checks on the wide powers of the Landdrosts and Heemraden, and the separation of the executive and judicial powers wielded by the former;<sup>129</sup> and finally, and perhaps most significantly it called for the regularization and codification

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<sup>125</sup> Ross's comments criticising Davenport's suggestion that the rule of law came only to the Cape in 1806 are relevant in this respect. See Ross, R. "The Rule of Law at the Cape of Good Hope in the Eighteenth Century", in: The Journal of Imperial and Commonwealth History. IX, 1 (1980).

<sup>126</sup> Sturgis, G. op. cit. p 23.

<sup>127</sup> Ibid. p 23. See also RCC XXII p 288.

<sup>128</sup> Report on the Administration..., op. cit. p 10.

<sup>129</sup> Ibid. p 11.

of the legislative procedure.<sup>130</sup>

It would seem furthermore that the essential features of these recommendations were embodied in the various sets of proposals forwarded by the colonial office to Cape Town; proposals that ultimately found their way onto the statute books in terms of the Charters of Justice issued in 1827 and 1832.<sup>131</sup> In a way that was never envisaged in the transitional era, the Charters of Justice sought to, "...completely transform the local judicial establishment" setting it up on terms that paralleled the situation in Britain.<sup>132</sup>

The most obvious change initiated by the Charter was the introduction of a two-tier legal network of judges and magistrates. The entire system of Landdrosts and Heemraden was scrapped, with magistrates replacing the former as full-time paid representatives of the state. As Sachs goes to great lengths to show, it was to be the magistrates that were to form the frontline of the colonial administration, and that while, "...their jurisdiction was limited...it was in their courts that most trials took place, and it was they who represented the administration of justice to the man in the veld."<sup>133</sup>

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<sup>130</sup> Ibid. p 14.

<sup>131</sup> Report on the Courts of Justice... in: RCC, XXXIII p 364.

<sup>132</sup> Sachs, A. op. cit. p 12.

<sup>133</sup> Ibid. p 22.

It was, however, the institution of the Supreme Courts in 1828, that marked an important break. Not only were members of the judicial establishment now being called upon to interpret law, but also as was evident during particularly the 1830s and '40s, to create it. Despite the dramatically increased administrative and judicial responsibility of particularly the Magistrates Courts, and the more vigorous nature of the legal system as a whole,<sup>134</sup> it would be wrong to construe, as most liberal historians do, that the basis for a more equitable legal dispensation had been laid.<sup>135</sup> Indeed as Sachs points out, the net effect of the reforms embodied in the Charter of Justice,<sup>136</sup>

...was not to constitute a revolution but to remove certain barriers to emancipation, not to eradicate racial domination but to sanction its class rather than its colour or cultural aspect, and not to destroy privilege but to regularize its operation and restrain its arbitrary exercise.

Two points need to be borne in mind at this stage: Firstly while the Charters of Justice, and related ordinances, established the parameters of the reform process, their implementation was constrained by the fact that in large areas of the colony the infrastructure just did not exist to make their implementation possible. These constraints derived from the primitive nature of

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134 Ibid. p 24.

135 Corder, H. Judges at Work: The Role and Attitudes of the South African Appellate Judiciary, 1910-1950, (Cape Town, 1984) pp 9-13.

136 Ibid. p 25.

the colony's communications network, the almost non-existent administrative presence in the more remote areas, and the dearth of "suitably" qualified officials, particularly magistrates.

The lack of "suitably" qualified officials is important. Part and parcel of the new reform programme was an insistence that officials be thoroughly schooled in the three cardinal features of the British judicial system, viz. the lessons of Majesty, Mercy and Justice. The issue of the social and educational orientation of the newly constituted judiciary, raises the question of the ideological content of these reforms.

It has been argued elsewhere<sup>137</sup> that the process of restructuring the judiciary stopped well short of a complete overhaul. It is argued that in some respects change went little further than a mere Anglicisation of official titles, many Landdrosts retaining their jobs albeit under new titles.<sup>138</sup> It is further noted that the corpus of Roman Dutch Law remained essentially intact.<sup>139</sup> But to focus on the outward manifestations of this process, undoubtedly leads to a gross misreading of the situation. The point is after all not that the British failed to anglicise the entire fabric of the judicial structure, but rather that they were able to transform the existing judicial network, jurisprudence included, into a system that, in its functioning, closely resembled its metropolitan

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<sup>137</sup> Sturgis, op. cit. p 25.

<sup>138</sup> Ibid. p 24.

<sup>139</sup> Ibid. p 25.



counterpart. Sharp discontinuities were in fact deliberately avoided so as not to undermine the overall effectiveness of the judiciary. Bearing in mind the point that the judicial system constituted the vanguard of state formation during the formative period of British imperial rule at the Cape, and that it was these courts, reconstituted and revitalized, that oversaw the general restructuring of the productive fabric of the colony, this is hardly suprising.

The reconstruction of the judiciary on the terms outlined above, was therefore, significant because its penetration into the outlying rural districts of the colony, and the integration of these districts into a unified and cohesive judicial structure, signified the successful penetration of the state itself, and the integration of these areas into the orbit of effective state control. Perhaps one of the clearest examples of the success of this process, is evident in the growing resentment trekboere on the eastern frontier came to display at the steady encroachment of the state, particularly as the latter attempted to regularize the nature of relations between master and servant, a factor that lay at the heart of the process today referred to as the Great Trek of the late 1830s.<sup>140</sup> "There can be no doubt", writes Peires, "that the Great Trek was a class rebellion against specific aspects of British policy than a nationalist

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<sup>140</sup> This argument is advanced as a criticism of Gilliomee and du Toit's view that the Great Trek was essentially an expression of latent nationalism; a criticism that is echoed by Peires, J. op. cit. pp 43-65. See Gilliomee, H. and Du Toit, A. Afrikaner Political Thought: Analysis and Documents. (Cape Town, 1986.)

reaction to British rule as such."<sup>141</sup>

There is, however, a more subtle sense in which the extension of the judicial system was significant. More than just signifying the extension of the state at a repressive and coercive level, the growth of a "court centred administration" signified the extension of ruling class culture and ideology - defined broadly as the vast ensemble of Victorian beliefs and practices. In the same sense as Ross has argued with reference to the situation in Cape Town,<sup>142</sup> and Hay for eighteenth century Britain,<sup>143</sup> the pomp and splendour surrounding the whole conduct of the court, to say nothing of the particular ideological position of its agents, sought to impress upon those under its jurisdiction of the superiority of the rulers, a superiority that stemmed not only from force, but a belief in having reached a higher level - if not the highest level - of "civilisation".<sup>144</sup>

These normative considerations aside, there was also a sense in which the strictly professional approach of particularly the judges fostered a sense of impartiality in the application of the law. The abolition of the offices of Landdrost and Heemraden had not only destroyed the the prevailing network of patronage, but it also curtailed the chief means by which, "...the Cape Afrikaners had

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<sup>141</sup> Peires, J. op. cit. p 43.

<sup>142</sup> Ross, R. "Structure and Culture in Pre-Industrial Cape Town: A Survey of Knowledge and Ignorance." Paper presented at the Conference held at the University of Cape Town on the Western Cape: Roots and Realities, 1986. I would like to thank Robert Ross for providing me with the revised version of this paper presented at the University of Leiden in 1987. pp 3-5 et passim.

<sup>143</sup> Hay, D. op. cit. p 54.

influenced and manipulated the government which ruled them."<sup>145</sup>

The apparent lack of links between the administration and the dominant classes in the rural areas, helped to generate a sense of relative autonomy for the state as a whole, a sense of independence that created a new basis for the legitimacy of class domination.

Indeed just as important as being able to enforce the process of social reconstruction, was the need to develop both consent and acceptance of its inevitability. This is made patently clear with regard to the eventual emancipation of the slaves in the colony, which Mason argues, "...could only come after a process of general preparation", preparation that encompassed both the education of the master and the slave.<sup>146</sup>

Yet the role of the courts in contributing to this process could only be a limited one. As Schreuder points out Judges and Magistrates constituted only one specific group of agents in the process of facilitating the extension of capitalist social relations.<sup>147</sup>

Just as important were the various groups of missionaries, philanthropists, traders and so on, all of whom contributed to the spreading cultural nexus of British imperialism. Sachs, however, spells out the strategic significance of the role of the courts:<sup>148</sup>

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<sup>145</sup> Peires, J. op. cit. p 39.

<sup>146</sup> Mason, J. op. cit. p 15.

<sup>147</sup> Schreuder, D. "The Cultural Factor in Victorian Imperialism: A Case Study of the British Civilising Mission", in: Journal of Imperial and Commonwealth History, IV, 3. (1976).

<sup>148</sup> Sachs, A. op. cit. p 18.

The Court system at the Cape, then, filled a variety of complex and inter-related functions. It was central to the spread of government both geographically and in terms of population groups. It integrated black, white and brown into a common polity...The lower courts helped to keep the peace, collect debts, and maintain relations of domination between master and servant, and white and black. The higher courts supervised the lower courts,...scrutinized the actions of the administration, and both maintained and restrained the power of the dominant section of the community. As a whole the court system emphasised on a day to day basis the subordination of all inhabitants of the Cape to a common law making authority.

It is precisely these sorts of concerns that have prompted the above analysis. The traditional focus of state formation, emphasising as it does the development of the legislative and executive branches of the state, falls well short of being able to account for the successful establishment of effective government and its penetration into particularly the rural areas of the colony. It also fails dismally in locating the source of legitimacy that the Cape colonial state was able to carve out for itself during the period of British rule; this sense of legitimacy was as important as brutal force in fostering the expansion of capitalist social relations.

#### Conclusion: Imperialism and Resistance.

The overall impression of British action...is of an unrelenting cultural assault on the colonial population and its traditional institutions, arousing resentment and resistance among all save those few who found benefits in the imperial connection.

Kirk's remarks, summarising as they do the basic thrust of the

British imperial movement, set the tone for the analysis that is to follow in the remaining chapters. By way of a conclusion to the argument of this chapter, an attempt is made to bridge the analysis presented here with that which follows, by confronting a possible objection to this chapter, viz. why so much attention has been placed on the question of the state when after all what is examined in the following chapters is ostensibly a "religious" phenomenon - or so much of the prevailing literature would have us believe. Would not the study of missionary strategy and activity, for example, have been a more appropriate background to viewing the spread of Islam?

In an effort to answer this, it is crucial that one acknowledge the special position of the Anglican religion in the ideological schema of the newly emergent bourgeoisie in Britain. As Engels has pointed out, the dynamic of religious development in Britain during the late eighteenth and nineteenth centuries is intricately linked to the prevailing configuration of class relations and struggles. In the introduction to the essay "Socialism: Utopian and Scientific", he graphically illustrates that the Protestant reappraisal of Catholicism, equipped the newly emergent bourgeoisie with not only the ideological weapons with which to combat the "old order", but likewise with the means to blunt the struggles of the lower classes. "As the bourgeoisie themselves saw it," notes Abrams, "their new and privileged position had been won under the banner of Calvinism and it was increasingly on that basis that they sought to

maintain it."<sup>150</sup> As Engels himself points out:<sup>151</sup>

His (the bourgeoisie) interest was to get as much good work out of them (labour) as he could; for this end they had to be trained to a proper submission. He was himself religious; his religion had supplied the standard under which he had fought the kings and lords; he was not long in discovering the opportunities this same religion offered him for working upon the minds of his natural inferiors and making them submissive to the behests of the masters it had pleased God to place over them.

Commenting on Engels observations Abrams concludes that class antagonisms tended to be internalized within the operation of this religion, each threat to the general structure of ruling class hegemony intensifying the commitment of the middle classes to their religion.<sup>152</sup> Significantly then, their religion became a screen behind which the intensely exploitative character of class relations were obscured. While "free thinking" and "materialist" ideologies may have threatened the hegemony of this ideological outlook within Britain and Europe, it was religions, such as Islam, that did so in particularly Africa and Asia.

If nothing else Engels' analysis illustrates the political character of Protestant Christianity, a character that made it an integral element of the structure of ruling class hegemony within Britain as well as in her colonies. From an understanding of this reality one can begin to appreciate the reasons why it was officials of state and

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<sup>150</sup> Abrams, P. Historical Sociology, (London, 1982), p 47.

<sup>151</sup> Engels, F. "Socialism: Utopian and Scientific", in: Selected Works, Marx, K. and Engels, F. (Moscow, 1962), p 106.

<sup>152</sup> Abrams, P op. cit. p 48.

not missionaries who first began to voice concern about the spread of Islam at the Cape, a spread that was not only a threat to "civilised norms and values" as encapsulated within their religion, but more significantly, a threat to the hegemony of their ideological outlook. As is explored in some detail in particularly chapter three, the spread of Islam came to pose a challenge insofar as it established an alternative ideological structure on that particular terrain of struggle.

As for the role of missionaries, one must bear in mind that those who were linked to the Anglican Church were in a very real sense themselves agents of the state receiving stipends either directly from the colonial government in Cape Town or London. As is explored elsewhere, the activities of these missionaries were all too often directly linked to the broader activities of the state, particularly as these related to conquest and "orderly" government.<sup>153</sup>

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<sup>153</sup> See for example Crehan, K. "Khoi, Boer and Missionaries: An Anthropological Study of the Role of Missionaries on the Cape Frontier, 1799-1850," (Unpublished M.A. Thesis Manchester University, 1978), pp 117-160.

## CHAPTER TWO.

### EXPLORING THE ROOTS OF ISLAM AT THE CAPE IN THE EIGHTEENTH CENTURY: STATE, HEGEMONY AND TARIQA.

#### Introduction:

Be of good heart my children...for one day your liberty  
will be restored to you and your descendants will live  
in a circle of Karamats safe from fire, famine, plague,  
earthquake and tidal waves.

In the historical analysis of trends and patterns of slave protest and resistance at the Cape of Good Hope during the eighteenth and early nineteenth centuries, the argument has been presented that such protest and resistance tended to assume an individualistic form.<sup>2</sup> For a series of complex reasons, it has been argued that the potential for collective action by slaves was severely limited.<sup>3</sup> Factors such as the great diversity in the social origins of slaves,<sup>4</sup> their isolation and dispersion among the

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<sup>1</sup> This statement attributed to Tuan Guru (RA) is cited in du Plessis, I.D. and Luckhoff, C.A. The Malay Quarter and its People, (Cape Town, 1963.), p 33.

<sup>2</sup> Worden, N.A. Rural Slavery in the Western Districts of the Cape Colony during the eighteenth century. D.Phil Thesis, Cambridge University (1982), Chapter 5, and Ross, R. The Cape of Storms: Slavery and Resistance at the Cape of Good Hope, (London, 1984), p 117.

<sup>3</sup> Worden, N. op. cit. pp 362-363.

<sup>4</sup> See particularly Bradlow, F.R. "The Origins of the Early Cape Muslims", in: The Early Cape Muslims, (eds.) Bradlow, F.R. and Cairns, M. (Cape Town, 1978), as well as Boeseken, A.J. Slaves and Free Blacks at the Cape, 1658-1700, (Cape Town, 1977).



farms of the south western districts,<sup>5</sup> and the lack of strongly developed cultural identity among the slaves<sup>6</sup> - in short the structural specificity of slavery in the rural south-western districts - all hampered the development of any collective response on the part of slaves to their slavery.<sup>7</sup>

While Worden may be correct in noting that the all-embracing nature of these structural constraints may have meant that, "...at the Cape...rural slaves failed to develop their own characteristic culture system", it would be wrong to construe from this that these circumstances were replicated throughout the entire colony.<sup>8</sup> Indeed as Worden is at pains to point out, the regional differences in the economic and social structure of the colony, particularly between Cape Town and the agricultural hinterland, tended to mean that the prevailing configuration of structural constraints varied greatly, which in turn had profound implications for the development of collective forms of resistance among the lower classes.<sup>9</sup> Yet despite this heterogeneity Worden and Ross insist that, "...no specific slave culture ever came into being at the Cape, except perhaps in Cape Town in the last decades of slavery."<sup>10</sup>

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<sup>5</sup> Armstrong, J.C. "The Slaves, 1652-1795", in: The Shaping of South African Society, 1652-1820. (eds) R. Elphick and H. Gilliomee (Cape Town, 1979) pp 90-93.

<sup>6</sup> Worden, N. op. cit. p 318 and p 356.

<sup>7</sup> Ibid. p 362.

<sup>8</sup> Ibid. p 373 (Emphasis mine.).

<sup>9</sup> Ibid. p 324.

<sup>10</sup> Ross, R. op. cit. p 118 (emphasis mine).

It is the central contention of this thesis that from the latter part of the eighteenth century, slaves and other members of the lower classes, in specifically Cape Town began to express their resistance to the prevailing structure of social relations in collective terms, resistance that was to take the form of a dramatic spread of Islam amongst the slaves of Cape Town, and the formation of a Muslim community.<sup>11</sup>

Two points arise out of this assertion: Firstly in considering Ross' reluctance to conceive of the spread of Islam and the emergence of a Muslim community as collective expressions of resistance to slavery at the Cape,<sup>12</sup> one must note that the general historiography of Islam at the Cape has likewise avoided conceiving of its subject in these terms. To reiterate a now oft-voiced criticism, the spread of Islam at the Cape and the formation of a muslim community is seen as a quaint and colourful anachronism, a development of only marginal significance in the content of South African history.<sup>13</sup> The failure to appreciate on the one hand, the dynamic relationship between the social context and the subject of

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<sup>11</sup> While statistics do not exist for the numbers of muslims during the eighteenth century, by the turn of the nineteenth century it has been estimated that the community was several hundred strong, and by the late-1830s had soared to well over 6000. This trend is, however, more fully explored in the next chapter.

<sup>12</sup> Ross, R. op. cit. pp 20-21.

<sup>13</sup> For a more detailed critique of the literature see Bradlow, M.A. Islam, the Colonial State and South African History: The 1886 Cemetery Uprising. B.A.(hons.) Thesis, University of Cape Town, 1985. Chapter One.

study, as well as the subject itself, precluded the possibility of any such analysis.

By transcending these methodological limitations, however, one begins to glean precisely the kinds of insights highlighted above. Seen in the context of the intensely oppressive and exploitative matrix of social relations that characterized the Cape during the period in question, the entire phenomenon of Islamization takes on a new light, in which the inherently political character of this process is revealed.<sup>14</sup>

While stressing political considerations, it is equally important to bear in mind the complex nature of the analysis of processes of resistance and protest; a complexity that is well illustrated in the study of Islamization at the Cape. While it is true that members of the ruling classes were continually voicing concern about the possibility of a slave uprising, it is important to state at the outset that the particular trajectory of Islamization at the Cape during the eighteenth and nineteenth centuries did not incorporate any explicit programme of general societal reform, let alone revolution.<sup>15</sup> It is precisely this lack of any explicit political programme on the part of the early Muslim community that has confused many analysts and led them to ignore the fundamental political implications that underscored the Islamization of a significant

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<sup>14</sup> The term Islamization refers to the process of development and expansion of Islam, particularly at a social level. See Idris, G.S. The Process of Islamization, (Brentwood, 1978), for an interpretation of this process.

<sup>15</sup> See Worden, N. op. cit. p 319 and Ross, R. op. cit. pp 30-35.

proportion of Cape Town's lower classes.<sup>16</sup>

The analysis that follows endeavours therefore, to address itself to answering this particular question, viz. why Islam at the Cape never came to assume the form of a popular ideology of anti-colonial protest, as was the case in other parts of Africa,<sup>17</sup> and significantly, the Indonesian Archipelago.<sup>18</sup> In attempting to do precisely this, it is necessary to explore the roots of the process of Islamization at the Cape. For it is only within an understanding of its early development that insights are offered into the sorts of structural and ideological influences that served to shape the particular character of Islamization during the late eighteenth and early nineteenth centuries.

While focusing on the roots of this process of Islamization, it must be stated that this chapter seeks merely to explore what are conceived to be the central themes of this process. In contrast to the conventional wisdom, an attempt will be made to establish the

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<sup>16</sup> Davids, A. "Politics and the Muslims of Cape Town: A Historical Survey", in: Studies in the History of Cape Town. Vol IV (1984).

<sup>17</sup> In his analysis of sufi brotherhoods, Martin highlights eight examples of popular Islamic resistance to the encroachment of the colonial powers in Northern, Central and East Africa during the nineteenth century alone. See Martin, B.G. Muslim Brotherhoods in Nineteenth Century Africa. (London, 1976). See also Klein, M.A. "Social and economic Factors in the Muslim Revolution in Senegambia", in: Journal of African History. XIII, 3 (1972).

<sup>18</sup> For a brief outline of the major contours of Islamic resistance in the Indonesian Archipelago see Al Attas, S.M.N "On Islamisation: The Case of the Malay-Indonesian Archipelago", in: Islam and Secularism. (Kuala Lumpur, 1978).

point that aspects of this process manifest themselves almost throughout the period of Company rule.<sup>19</sup> This will, furthermore, be done in a manner that captures the dynamic and on-going character of this process.

The Conventional Wisdom: Internalizing Ruling Class Perceptions.

To illustrate this point it is necessary to briefly examine the nature of prevailing conceptions about the development of Islam at the Cape during the seventeenth and eighteenth centuries. Ross, whose overall concern, it should be noted, is with the analysis of resistance and slavery at the Cape, argues that prior to the nineteenth century, Islam was a force of very limited significance. While he accepts that, "...some facets of Islam were beginning to be accepted by the Cape slaves before 1800", he argues that there is little indication of its teachings striking "deep roots".<sup>20</sup>

In contrast to Ross, however, analysts concerned more specifically with the development of Islam at the Cape, highlight the point that its presence dates back to the first decades of European colonial rule. The presence of muslims at the Cape is a relatively easy task to establish. The official VOC records often clearly state the religious persuasion of people.<sup>21</sup> Where the established

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<sup>19</sup> Ross, R. op. cit. p 20.

<sup>20</sup> Ibid. p 20.

<sup>21</sup> See for example CJ 3189 Lysten der ten Robben Eyland Gecondemneerde Personen, 1758-1802, cites Zaid Alowie (sic) as a "Mohammedansche Priester". Cape Archives.

historiography fails, however, is in understanding how the personal religious convictions of individuals came to take on a social character.

For some analysts this is not a problem. Assuming precisely what needs to be explained, Ajam, for example, blandly states that, "throughout the Dutch regime from 1652 to 1806, Cape Town...had two religious communities and two parallel systems of education...each operating in terms of the political dispensation (sic)." Citing no original sources to confirm his assertions he continues by arguing that the growth of Islam, "...was facilitated by the presence of refined and educated Indonesian exiles, leaders of resistance to Dutch colonialism who continued their opposition by propagating Islam in a Christian domain."<sup>22</sup>

Precisely this sort of wishful thinking lays itself open to the sorts of criticism raised by Shell.<sup>23</sup> Replying specifically to the question of the influence of the Indonesian exiles, Shell believes the VOC was able with the partial exception of Shaykh Yusuf (RA) to minimise their influence. The isolation of these "dangerous

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<sup>22</sup> Ibid. p 44.

<sup>23</sup> Shell, R.C.H. The Establishment and Spread of Islam at the Cape from the Beginning of Company Rule to 1838. B.A.(hons.) Thesis, University of Cape Town (1974) p 34.

influences", writes Shell,<sup>24</sup>

...prevented the exiles from assuming leadership and in some cases (they) had no contact with other groups at the Cape. Without these two prerequisites (leadership and contact), it is suggested that the influence of the exiles on the establishment and growth of Islam at the Cape was slight.

Writing in a similar vein, Shell argues elsewhere that the influence of the slaves<sup>25</sup> and to an even lesser extent the convicts<sup>26</sup> were equally marginal to the development and spread of Islam. While conceding the point that the three groups, "...were instrumental in the spread of Islam...their influence is not sufficient to explain the sudden growth of the religion at the Cape which began in 1770 and stopped after slavery had formerly ended in 1842 (sic!)"<sup>27</sup>

A similar type of argument is offered by Davids.<sup>28</sup> Like Shell, Davids notes that Islam was brought to the Cape by exiles, slaves and convicts. He too argues that of the three, the exiles tended to be the most marginal in influencing the spread of Islam.<sup>29</sup> Yet unlike Shell, Davids argues that from as early as 1713 a small but permanent Muslim community was established in Cape Town; a

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<sup>24</sup> Ibid. p 28.

<sup>25</sup> Ibid. p 41.

<sup>26</sup> Ibid. p 41.

<sup>27</sup> Ibid. p 41.

<sup>28</sup> See Davids, A. "The Role of Afrikaans in the history of the Cape Muslim Community", Paper prepared as a chapter for the forthcoming book Poleteik en Afrikaans (eds) C. du Plessis and H. du Plessis (1987), and Davids, A. "The Early Muslims at the Cape, 1652-1800", in: Iqra Research Journal. vol. 1, 1977.

<sup>29</sup> Ibid. p 7.

consequence of the freeing of a large number of convicts after a smallpox epidemic swept through the town.<sup>30</sup> Davids then goes on to explain that, "...from 1743 onwards, the ranks of these Muslim convicts were strengthened with the arrival of some very outstanding Muslim exiles."<sup>31</sup>

At this point Davids comes close to highlighting the essential perception that underscores the prevailing argument about the early development of Islam at the Cape, a perception that attributes the on-going presence of Islam, to the periodic arrival of "great men". As will be more fully explored during the course of this chapter, the contribution of these charismatic leaders<sup>32</sup> to the spread of Islam was indeed profound. Yet to demonstrate this, one has to go beyond merely acknowledging their presence at the Cape. In this respect one has to be able to specify the precise mechanisms and processes, that in their dynamic inter-relationship, coalesced to allow a small but steadily growing Muslim community to emerge during the course of the seventeenth and eighteenth centuries.<sup>33</sup>

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<sup>30</sup> Davids, A. "The role of Afrikaans..." p 6.

<sup>31</sup> Davids, A. "The Early Muslims..." p 6.

<sup>32</sup> As is to be explored more fully later in this chapter, the characterising of these sufi shaykhs as charismatic, has important implications for the analysis that follows. Drawing from the literature on the sociology of religion, the following definition is offered of charisma and the charismatic leader: Following Weber, Sharot argues charisma refers to, "...a certain quality of an individual personality, by virtue of which he is set apart from ordinary men and treated as endowed with supernatural, superhuman or at least specifically exceptional powers or qualities." See Sharot, S. Messianism, Mysticism and Magic: A Sociological analysis of Jewish Religious Movements. (Chapel Hill, 1982) p 23.

<sup>33</sup> See for example Shell, R. and Elphick, R. "Inter-Group Relations: Khoikhoi, Settlers, Slaves and Free Blacks, 1652-1820", in: The Shaping of South African Society, 1652-1820.(eds) R. Elphick and H. Gilliomee (Cape Town, 1979) pp 124-126.



This failure to grasp the dynamics of the process of Islamization during the above period, has led to another equally significant mistake on the part of the prevailing literature. Across the board it is argued that it is only after the 1770's that one can begin to talk of a Muslim community in any sociological sense. "The spread of Islam at the Cape", writes Shell, "began in 1770 with legislation which prohibited the buying and selling of Christian slaves."<sup>35</sup>

Two points need to be clarified here: Firstly with regard to the significance of the post-1770 period, Davids, Shell and others argue that it is during this period that the spread of Islam becomes an observable phenomenon.<sup>36</sup> On the face of things this assertion seems hard to refute. Yet it fails to acknowledge the inherent bias in the nature of the sources used to verify this position, much of the contemporary historiography being based almost completely on official and semi-official documentation.

Thus, far from reflecting a balanced image, the historiography has internalized ruling class perceptions of the situation, presenting

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<sup>35</sup> Shell, R. op. cit. p 22.

<sup>36</sup> Ibid. p 49, as well as Davids, A. op. cit. p 8 and Ross, R. op. cit. pp 20-21.

them in a largely uncritical form. Precisely this sort of limitation is reflected in Shell's refutation of Lewis's assertion that Shaykh Yusuf (RA) participated in religious gatherings in Cape Town during his exile at the Cape.<sup>37</sup> Shell believes that such activities were unlikely to have taken place because, firstly, such gatherings were illegal, and secondly, "...the first written account of a muslim meeting in a house appears (only) in the 1770s..."<sup>38</sup> That aspects of Islam were observable to the ruling classes only from the 1770s cannot be taken to mean that activities such as these did not occur prior to this period. To claim this would be tantamount to denying any dynamism in the development of Islam prior to this period.

The implicit characterization of the pre-1770 period as one of relative stagnation with respect to the development of Islam at the Cape, in turn has important consequences for the analysis of the later period. Indeed as is suggested in an earlier quote by Shell, the spread of Islam had little to do with factors inherent to Islam itself. To cite Shell more fully:<sup>39</sup>

Although there were important other causes, it is suggested that this spread (of Islam) was primarily caused by the slaveowners who believed that the adoption of Islam by their slaves would further distance them from freedom and, moreover, that these slaves would remain marketable.

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<sup>37</sup> See Lewis, D. "Religion of the Cape Malays", in, The Handbook of Race Relations in South Africa. (eds) E. Hellman and L. Abrahams (Cape Town, 1947.), p 587.

<sup>38</sup> Shell, R. op. cit. p 22.

<sup>39</sup> Ibid, p 48.

While Davids seems more willing to entertain the possibility that factors inherent to Islam played a role in its spread in the latter parts of the eighteenth century, he too seems unable to escape the notion that crucial to its development was the assistance given to it by elements of the ruling classes. Davids writes that the spread of Islām was, "...greatly assisted by the prevailing attitude of the colonists who feared the loss of their property should their slaves become Christian, and who believed that a Muslim slave, being a sober slave, makes a better servant around the house."<sup>40</sup>

Not only is this argument historically inaccurate, but it is also misleading. To claim as Shell and Davids do, that from the 1770s there was a change in ruling class attitudes towards Islam, culminating in the granting of religious freedom in 1804, is to fly in the face of an overwhelming body of evidence that proves precisely the opposite. While the public practice and spread of Islam was officially proscribed throughout the entire period of Company rule,<sup>41</sup> muslims continued to be subject to a wide array of repressive policies and practices until well into the third decade of the nineteenth century.<sup>42</sup>

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<sup>40</sup> Davids, A. op. cit. p 8.

<sup>41</sup> In contrast to the view presented by Davids, while formal freedom of religion may have been granted in 1804, it is argued more extensively in the next chapter that no such freedom existed in practice. See Davids, A. The Mosques of the Bo-Kaap: A Social History of Islam at the Cape, (Athlone, 1980), p 5.

<sup>42</sup> See in this respect "The Report of the Commissioners of Inquiry upon the Police at the Cape of Good Hope", in: RCC XXXV, pp 138-139.

It should furthermore be noted that the argument presented by Davids and Shell is not original. It is derived from perceptions prevalent among elements of the ruling classes during the early nineteenth century.<sup>42</sup> Of particular relevance is the argument of a local minister, the Rev. de Vos, who attempts to outline the causes of the spread of Islam among the slaves.<sup>43</sup> While it is not my intention to examine the nature of this argument in any detail, it is important to note that his argument precludes the possibility that the spread of Islam was attributable to factors internal to either the slave community or Islam itself, considerations that are in turn reflected in the prevailing literature. The implication of such an approach is to deny the lower classes the ability to formulate their own responses and challenges to the structures of ruling class hegemony

#### Reconstructing the Historical Emergence of Islam at the Cape.

In turning one's attention towards the examination of the central themes in the development of Islam during the period of VOC rule, it must be stated, at the outset, that the analysis that follows is anything but straightforward. The apparent lack of any original sources attributable to members of the Muslim community during this period, provides the single most important stumbling block.<sup>44</sup> To

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<sup>42</sup> Extracts of the Statutes of India. Enclosure B in a letter from Sir John Cradock to Lord Bathurst, dated 25 January 1813, in: RCC IX pp 130-132.

<sup>43</sup> Letter from the Rev. de Vos to Sir John Cradock. Enclosure C in: RCC IX pp 132-133.

<sup>44</sup> Several attempts have been made to locate written material from the eighteenth and nineteenth centuries. Thusfar, however, the only texts found derive from the latter period and deal largely with theological issues. Even Tuan Guru's (RA) book on fiq (jurisprudence) says little about the prevailing configuration of social relations.

use a legal analogy, however, the lack of conclusive evidence is more than made up for by a wide range of circumstantial evidence, that points toward the existence of a steadily growing Muslim community during this period.

For the purposes of presentation, this evidence has been divided into three basic categories, each dealing with a particular theme relevant to the analysis of the process of Islamization. It must, however, be continually borne in mind that each existed in a dynamic relationship with the others, influencing and being influenced by the complex coalescence of historical forces.

The first basic element of the analysis of the process of Islamization is the examination of the posture of the state and the ruling classes. In this respect it will be argued that while the repressive nature of state action has been widely acknowledged, certain crucial misconceptions about the implications of these policies has tended to mean that the intensity of such repression has been understated. As was touched on briefly above, this is particularly apparent in the analyses of the latter parts of the eighteenth century.

From an appreciation of the intensely repressive environment of the seventeenth and eighteenth centuries, and in particular official attempts to curtail any spread of Islam in Cape Town, the focus will

shift towards the examination of aspects of the prevailing social relations in the town. An attempt will be made to show that despite the prevailing repressive environment, the social space existed for slaves to formulate, albeit at a covert level, collective responses to their slavery.

Finally turning to the process of Islamization itself, it will be shown that partly as a response to the dialectical interaction of the particular expression of Islam found at the Cape, viz. one that hinged around the activities of sufi tariqas, a small but steadily expanding Muslim community developed throughout the period in question. Not only will this explain the particular ideological form of the community, but more significantly, establish the point that the dramatic spread of Islam, that occurred in the nineteenth century, did not take place in a vacuum. On the contrary, the spread of Islam was to be based upon the firm foundations of one hundred years of struggle.

#### 1. Constructing the Parameters of Hegemony: Islam and the Posture of the Company State.

Throughout the prevailing literature the view is put forward that during the entire period of Company rule a wide array of measures was promulgated by the state to curtail the spread of Islam at the Cape. Indeed as Davids notes, these measures date back to the late-1650s with the prohibition of the public practice of Islam by the Ambionese; a restriction Davids believes highlights the generally repressive character of Dutch colonial rule.<sup>45</sup> Yet what the

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<sup>45</sup> Davids, A. "The Role of Afrikaans..." p 3. and Shell, R.C.H. The Development of the Military Duties of the Malays,

restrictions on the public practice of the religion of the Ambionese illustrates is that the Dutch practised their repression in a remarkably sophisticated and, at times subtle manner. In this respect, a banning on the public practice of Islam implies a tacit acceptance of its private practice. The argument that follows will attempt to demonstrate that this apparent toleration of the practice of Islam was exceptional, and restricted only to the Ambionese,<sup>46</sup> or as they are more correctly referred to, the Mardykens;<sup>47</sup> a toleration that aptly demonstrates the sophistication and subtlety of state strategy already alluded to. In this regard, the point that the Mardykens contributed to the military machinery of the Company as mercenaries, no doubt afforded them some rights; rights that were not extended to their co-religionists.<sup>48</sup>

It would appear, however, that the influence of the Mardykens on the development of Islam at the Cape was minimal, if not altogether non-existent. It is debatable to what extent the Mardykens attempted or even desired to encourage the spread of Islam at the

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 1642-1846. Unpublished manuscript (no date) p 2. My thanks go to Ahmad Davids for providing this source.

<sup>46</sup> Davids, A. "The Early Muslims..." p 7. The full text of the regulation as cited by Davids, reads as follows:  
 "no one shall trouble the Ambionese about their religion or annoy them; so long as they do not practice in public or venture to propagate it amongst Christians or heathens. Offenders to be punished with death..."

<sup>47</sup> Mardykens or Mardijkers refers to those servants of the VOC who were hired from the various parts of the Archipelago; they were free as the word "Merdeka" (free) implies and usually fulfilled a military function as mercenaries. See Boeseken, A. op. cit. p 63.

<sup>48</sup> Shell, R. op. cit. p 3.

Cape for they tended firstly to ally themselves with the interests of the VOC, and secondly, as a consequence of this, to receive special privileges.<sup>49</sup> Indeed many chose to leave the settlement and return home after their tours of duty were over.<sup>50</sup> Finally there is no evidence that any Mardykens were ever prosecuted for falling foul of the regulations.<sup>51</sup>

To gain a glimpse of the general posture of the state on the question of the general religious practice of those who found themselves under Company rule, one has to turn instead, to the Statutes of India. In this regard, the Statutes specifically proscribed the practice of Islam, whether practised in private or public throughout Batavia or its provinces.<sup>52</sup> In articles refering specifically to the Muslims' practice of their faith it is noted,<sup>53</sup>

...that no public or private meetings of these people should be held...the Priest being liable to be put in chains until further orders...(and) that no other religion be exercised, instructed or propagated in public or in private than the Reformed Protestant Church...and that should any congregation...be held or kept, Christian, heathen or Moor, all the property of such should be forfeited and he should be put in irons

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<sup>49</sup> On the basis of this one can challenge Davids' assertion that these mardykens comprised the first muslim community at the Cape. See Davids, A. op. cit. p 6.

<sup>50</sup> See for example the case of Janz Mardijker who in a requesten dated 13 September 1718 asked to be returned to Batavia with his slave Martha. See Precis of the Archives of the Cape of Good Hope: Requesten (Memorials) 1718-1806. Liebbrandt, H.C.V. (Hereafter called Requesten) (Cape Town, 1905) vol. II, p 601.

<sup>51</sup> Admittedly this assertion is based upon only the most cursory reading of the records of the Courts of Justice. No doubt a fuller examination of these records will reveal a more accurate picture.

<sup>52</sup> For the full text of the Statutes of India see Slave Office records, SO 1711

<sup>53</sup> Davids, A. op. cit. p 10.



and banished out of the country or punished corporally or with death, according to the circumstances of the case.

While it is clear that the VOC's intolerance was by no means confined to Islam,<sup>55</sup> their concern about the spread of Islam was unique, a concern that stemmed from the intensity of resistance by Muslims to the expansion of Dutch interests in the Archipeligo.<sup>56</sup>

Throughout the seventeenth and early eighteenth centuries the Dutch were embroiled in a series of costly wars with the Muslim Sultanates of the region. As Boxer and other writers note, these struggles tended to assume a religious as well as a commercial form; Muslim rulers mobilising their populations against the threat of "anti-Islamic" forces.<sup>57</sup> The jihadist nature of these struggles, thus, influenced the attitude of the VOC towards Islam, as it initially sought to wipe out all traces of the latter's existence.<sup>58</sup>

As the eighteenth century progressed, however, and Dutch hegemony became more secure, one notes subtle shifts in the official

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<sup>55</sup> Of particular relevance here was the oppression of the Lutheran Church which was denied the right to build itself a church until the late 1770s, despite frequent requests to the Batavian administration. See Requesten, pp 673-675, pp 692-694 and p 707.

<sup>56</sup> Davids, A. op. cit. p 7. See also Boxer, C. The Dutch Seaborne Empire, (London, 1965.), pp 190-205.

<sup>57</sup> Ibid. pp 190-194.

<sup>58</sup> Ibid. pp. 142-144. Jihad is often erroneously referred to as simply holy war. More correctly it encompasses both the physical and the metaphysical struggle against the Shaytan (Satan). The idea that jihad also embraces the struggle of men and women to overcome the deleterious aspects of their own nafs (character traits) is crucial, for the military struggle against structures of oppression and exploitation, social manifestations of the Shaytan, is actually the lesser jihad; the struggle against the lower nafs being the major jihad. See Lings, M. Muhammad, (London, 1984), pp 195-196.

disposition of the Batavian state to Islam in the region. The revision of the Statutes of India, which was enacted in the mid-1760s tacitly accepted the existence of Islam.<sup>58</sup> As Roos correctly observes, unlike the previous Statutes, van der Parra's Plakaaten incorporated significant elements of "Chinese and Mahommedan Law".<sup>59</sup> The particular integration of elements of Muslim personal law dealing with the laws of succession and marriage should not, however, be understood as signifying any benign concession. Clearly the changing posture of the Batavian state was ultimately determined by the need to transform conquest into effective administration and rule, a situation that was dramatically aided by the eventual crushing of resistance in Banda (1620s), the Malaccas (1650s), and Maccasar (1680s).<sup>60</sup> Toleration of muslim marriages and acts of worship in no way meant that there was a softening of the official line on its spread, for the propagation of Islam remained illegal.<sup>61</sup>

While the Cape fell within the ambit of the Batavian administration, there is an important sense in which it remained discretely independent of its functioning. This is particularly evident with

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<sup>58</sup> Indische Statuten ten tijde van Petrus Albertus van der Parra, parts I and II in: Records of the Courts of Justice, CJ 3193 and CJ 3194.

<sup>59</sup> de Villiers Roos, J. "The Plakkaat books of the Cape", in: The Cape Law Journal. XIV (1897) p 7.

<sup>60</sup> Boxer, C. op. cit. pp 92-105.

<sup>61</sup> A clear example of this trend is that even the revised version of the statutes forbade Muslims the right to marry non-Muslims. See CJ 3194 pp 202-204. See also de Villiers Roos, J. op. cit. p 14.

regard to the promulgation and implementation of plakaaten. Roos, for example, argues that the initial body of plakaaten incorporated in the original Statutes of India, only arrived at the Cape in 1715, the year in which the Heeren XVII had ordered its revision.<sup>62</sup> He argues further, that it is not clear whether the eventual revision of the Statutes ever came to have the force of law in the colony.<sup>63</sup> Individual plakaaten referring to the practice and spread of Islam, seem however, to have constituted an important element of the corpus of local legislation.

What needs to be clarified, however, is the extent to which such legislation was actually enforced. During Shaykh Yusuf's (RA) exile at the Cape, for example, local VOC officials made no attempt to act against the shaykh. In two important respects he violated VOC regulations: On the one hand, he allowed his home at Sandvliet to become a refuge for runaway slaves; and on the other, he actively engaged in the propagation of Islam.<sup>64</sup> No doubt Shaykh Yusuf's (RA) royal status provided him and his entourage with some protection. Yet as is evidenced from the plight of the King of Madura, who was banished to Robben Island, royal status did not always protect one from the wrath of the Company.<sup>65</sup> In any event,

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62 Ibid. p 7.

63 Ibid. p 14.

64 Dangor, S.E. A Critical Biography of Shaykh Yusuf. M.A. Thesis, University of Durban Westville (1981). pp 38-41.

65 Forester, G. A Voyage round the World in His Majesty's Sloop, Resolution, Commanded by Captain James Cook During the years 1772, 1773, 1774 and 1775. (London, 1779) vol. II p 556.

after the "death" of Shaykh Yusuf (RA),<sup>66</sup> the VOC acted swiftly to disperse this embryonic Muslim community, many of his original retinue being sent back to Maccasar.<sup>67</sup>

On the basis of this solitary example, one could be mistakenly led to believe that unlike the eastern provinces, the existence of Islam at the Cape was not perceived as a threat, at least until the latter part of the eighteenth century. Interestingly Shell seems to argue that, "...for the first century and a half, the Cape colonists were too wary of a Mahomedan revolt to allow these Malays to bear arms."<sup>68</sup> Until more specific research is conducted into this specific area it is difficult to make any concrete assertions one way or the other.<sup>69</sup>

While the posture of the state may be difficult to determine during the early eighteenth century, the same is not so for the middle and latter parts of the century. The rising frequency with which plakaaten were issued in an effort to check the spread of Islam, suggests that the latter was the source of growing concern.

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<sup>66</sup> The Islamic position on Saints, or more correctly Awlia'ullah (friends of God), is that while their physical existence may end, they do not die. The Qur'an is itself explicit in this regard:

And do not say of those who die in the way of Allah that they are "dead"; Nay! They are alive, although you perceive it not, receiving sustenance from their Lord. Sura III, Verse 169.

<sup>67</sup> Dangor, S. op. cit. pp 48-49.

<sup>68</sup> Shell, R. op. cit. p 4.

<sup>69</sup> A more thorough analysis of the records of the Courts of Justice is necessary to prove this assertion.

First among these measures was the banning of the importation of male Indonesian slaves in the mid-1760s.<sup>70</sup> While on the face of things, the issuing and re-issuing of this plakkaat may not seem to have any direct relevance to the spread of Islam, there is an important sense in which the measure was clearly not unrelated, a sense that stems from the prevailing ruling class conceptions about the character of this particular category of slave. In this respect an important ambivalence underscored the attitude of the ruling classes towards Indonesian slaves, or as they were mistakenly referred to, as "Malays". On the one hand they were regarded as constituting one of the most valuable categories of slaves. Contemporary accounts continually praise the Indonesian slaves for their trustworthiness,<sup>71</sup> industriousness, particularly with regard to the various crafts,<sup>72</sup> and their "strict and scrupulous" characters.<sup>73</sup>

Yet such assets were forever being contrasted with what was perceived to be the darker side of their character. Writing at the end of the eighteenth century, Barrow has captured the essential contours of

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<sup>70</sup> Issued for the first time in 1767, this plakkaat was reissued on 2 September 1784, and again in February 1792, carrying a fine of Rds 300 as well as the confiscation of the slave. See Kaapse Plakkaatboek. (eds) M. Jefferys, S. Naude, and P. Venter vol. III, IV and V.

<sup>71</sup> Burchall, W.J. Travels into the Interior of South Africa. (ed) I. Schapera, (London, 1953) p 32.

<sup>72</sup> Percival, R. An Account of the Cape of Good Hope; containing an historical view of its original settlement by the Dutch, its capture by the British in 1795 and the different policy pursued there by London. (London, 1804) p 268.

<sup>73</sup> Spaarman, A. A Voyage to the Cape of Good Hope...and Around the World, but chiefly to the country of the Hottentots and Caffres from the years 1772 to 1776. (Perth, 1789) p 370.

this dichotomy:<sup>74</sup>

The most active and docile, but the most dangerous slaves are Malays. They are faithful, honest and industrious; but so impatient of injury and so capricious, that the slightest provocation will sometimes drive them into fits of phrenzy (sic), during the continuance of which it would be unsafe to come within their reach.

Reference to the "vengeful" spirit of the Malays, are however, by no means confined to the end of the century.<sup>75</sup> Yet while concern tended to be voiced about individual acts of violence, and in particular about "Malays" running amok,<sup>76</sup> there is a subtle sense in which members of the ruling classes remained aware of such protests assuming a collective form.

The issues here are, however, exceptionally complex. The fact that, for example, the ban comes at a time when the colony was experiencing extensive economic growth and that the demand for slaves was on the ascendancy, highlights the fact that political considerations weighed heavily on the minds of Company officials.<sup>77</sup> That, furthermore, these measures tended to coincide with the first written accounts of

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<sup>74</sup> Barrow, J. An Account of Travels into the interior of Southern Africa in the years 1797 and 1798. (London, 1801) p 46.

<sup>75</sup> Lichtenstein, H. Travels in Southern Africa, in the years 1803, 1804, 1805 and 1806. (trans.) A. Plumtree (Cape Town, 1928) Vol. II p 196, and Percival, R. op. cit. p 289.

<sup>76</sup> Ibid. p 290.

<sup>77</sup> Ross, R. "The Cape of Good Hope and the World Economy, 1652-1835" in Societies of Southern Africa in the Nineteenth and Twentieth Centuries. unpublished paper presented at the Institute of Commonwealth Studies, London. 1985.

open muslim gatherings,<sup>79</sup> adds considerable weight to the view that, inter alia, the inclination of Indonesian slaves towards Islam, underscored the ban.

That Indonesian slaves were a source of growing concern to the state is further borne out by another traveller to the Cape. Remarking on the brutally swift administration of justice at the Cape, Stavinorius notes that during the middle of the eighteenth century, "the punishments are very severe here, especially with regard to oriental slaves."<sup>80</sup> The implication here seems obvious: While a ban on the importation of Indonesian slaves served to check the growth in numbers of this community, the brutal intensity of state repression was intended to impress upon those already here the futility of resistance.<sup>81</sup>

Other measures enacted during the middle and latter parts of the eighteenth century, relate more specifically to the emergence of Islam as a visible social force in Cape Town. These can moreover,

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 79 Thunburg, C.P. Travels in Europe, Africa and Asia performed between the years 1770 to 1779, (London, 1795) pp 133-134.

80 Stavorinus, J.S. Voyages to the East Indies by the Late John Splinter Stavinorius, (trans.) S.H. Wilcooke, (London, 1798) p 571.

81 In this respect the example cited by Lichtenstein emphasises precisely this point: Referring to a case where a "Malay" slave murdered his master in the "Pearl" Mountain area, he writes:  
 One of his slaves, a Malay, in his rage at the punishment he had received killed him with an axe. The lad had been a faithful servant and had been treated by Minard... with distinguished favour and regard.  
 The slave then realising the futility of his case gave himself up to the authorities and was in due course hanged! See Lichtenstein, op. cit. p 196.

be regarded as falling into two distinguishable areas: The one dealing with attempts to encourage the spread of Christianity amongst the slave and free black communities; and the other, with attempts to directly intervene in checking the spread of Islam.

While attempts by the VOC to encourage the spread of Christianity amongst the slaves date back to the latter parts of the seventeenth century with the setting up of schools for the religious instruction of slave children,<sup>81</sup> one witnesses a dramatic rekindling of evangelical activity on the part of the state in the latter parts of the eighteenth century. The essence of these measures was contained in parts of the Statutes of India, which came to have the effect of law at the Cape on the 10th April 1770.<sup>82</sup> These highly controversial pieces of legislation shifted the responsibility for the religious instruction of slaves away from the state, towards the masters, who now became obliged to take upon themselves the evangelising of their slaves.<sup>83</sup>

Yet what is significant about this legislation, is not that it sought to place restrictions on the rights of masters - a traditional focus of criticism in the prevailing literature - but rather that it gave the masters the right to coerce their slaves, up to the point of "absolute compulsion", into being baptized in the Christian religion. Clearly in formulating this legislation, state

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<sup>81</sup> Plakaat issued 25 July 1685 in Kaapse Plakkaatboeke. p 205.

<sup>82</sup> Extracts of the Statutes of India in RCC IX p 131. For the full text of revised Statutes of India see: Indische Statuten ten tijde van Petrus Albertus Van der Parra. CJ 3193 and CJ 3194.

<sup>83</sup> Ibid. pp 131-132.



officials felt that the differentials of power between master and slave could be exploited to enhance the spread of Christianity.

Noting this, however, begs the question of why it was only in the 1770s, that the state became interested in fostering the spread of Christianity in such a vigorous fashion. The answer to this is, however, relatively straight-forward. In the eighth article of the Statutes, it is stated that,<sup>84</sup>

Christians shall not be allowed to alienate their slaves, whether such slaves be Christian or not, to Moors or Heathens, on pain of the vendor forfeiting the slaves themselves, and the purchaser the amount of the purchase monies agreed upon...

Elsewhere in the Statutes it is stated that should a slave of a non-Christian master - "Moors or Heathens" - show an inclination towards Christianity, such a slave should be sold to a Christian master for a reasonable price. Such masters, furthermore, should not prevent their slaves from receiving instruction in the Christian religion, "...much less shall they endeavour to persuade or compel them to forsake that religion, on pain of such slaves being confiscated."<sup>85</sup> Finally, the most explicit rendering of concerns underlying these measures is found in the eleventh article. This forbade a Christian master the right of any of his slaves to become Muslim, the penalty for which was the confiscation of the slave and the imposition of a 500 Rix Dollar fine.<sup>86</sup>

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<sup>84</sup> Ibid. p 131.

<sup>85</sup> Ibid. p 132.

<sup>86</sup> Ibid. p 132.

The overall thrust of these measures is thus laid bare: To check the spread of Islam amongst the ranks of Cape Town's slaves. This much furthermore, seems to have been corroborated by a number of contemporary sources which have thus far been ignored.<sup>87</sup> The 1835 report on the state of slavery at the Cape, for example, noted the efforts of the VOC to encourage the spread of Christianity amongst the slaves, but likewise observed that, "...the submission of slaves to the rites of the Mahometan faith was prohibited by severe penalties",<sup>88</sup> views echoed by one Rev. William Wright.<sup>89</sup>

Legislative restrictions aimed at curtailing the growth of Islam were, however, by no means confined to the slaves alone. The act of emancipation as well as the activities of the free blacks came under continual assault from the state. Indeed as early as 1722 plakaaten were issued regulating the process of emancipation.<sup>90</sup> As the report on slavery noted:<sup>91</sup>

...in all cases the manumission of a slave was charged with the payment of 50 rixdollars to the poor fund of the Reformed Church, and secured by the obligation of two persons who bound themselves in solidum that the emancipated slave should not within the period of twenty years become burthensome to the Church or be entitled

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<sup>87</sup> Shell, R. *The Establishment and Spread...* p 42.

<sup>88</sup> Report upon the Slaves and the State of Slavery at the Cape of Good Hope, in RCC XXXV (1835) p 364.

<sup>89</sup> Wright, Rev. W. Slavery at the Cape of Good Hope. (London, 1831) pp 4-5.

<sup>90</sup> On the 19 September and 13 October 1722 plakkaaten were issued regulating the process of emancipation of slaves. See Kaapse Plakkaatboeke. p 94.

<sup>91</sup> "Report upon the Slaves..." pp 360-361.

for any ailment or support.

Armstrong, Worden and others have continually stressed the point that the emancipation figures at the Cape were exceptionally low;<sup>92</sup> a trend that encouraged Elphick and Shell to characterise Cape society during the eighteenth century as perhaps one of the most rigid and closed slave societies.<sup>93</sup> That regulations concerning manumission were continually tightened, indicates that the Company wished to do all in its power to restrict the growth of a free black community. When one bears in mind, furthermore, that the overwhelming majority of manumissions were made by members of the free black community, one begins to understand why.<sup>94</sup> While the majority of such manumissions tended to occur after 1750, there are several cases when freeblack owning slaves, chose to forego their property prior to this. One Koevoet Arnoldus for example, applied in 1735 to manumit two slaves, and the child of a slave, Diana aged twelve, "...in order to give her a better education."<sup>95</sup>

Unfortunately most of these requesten fail to elaborate on the reasons why slaves were being emancipated, although in some cases,

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92 See Armstrong, op. cit. pp 98-104, Worden, op. cit. pp 362-363 and Elphick and Shell op. cit. pp 135-145.

93 Ibid. p 161.

94 This becomes clear from an analysis of the various requesten found in Liebbrandt's precis of the archives. Yet not only were free blacks manumitting slaves but they also stood surety for white burghers who wished to emancipate their slaves. This point has also been made by Armstrong, op. cit. p 108.

95 See Requesten p 631, as well as Requesten en Nominasies. Polietieke Raad Requesten, C 1097 No.16 p 30.

one is able to deduce likely reasons. In an entry dated 1739, Cornelius de Cat, for example, applied to emancipate his mother,<sup>96</sup> while in 1763 Daniel of the Cape made an application to emancipate his sister and her children.<sup>97</sup> Yet on the whole, little insight is gained from these requesten, as to why it was that in some cases, free blacks were prepared to give up substantial amounts of property and wealth. Over a period one Jansz of Bengal manumitted some four slaves without ever elaborating his reasons.<sup>98</sup>

Grounds for speculation on the reasons for these actions are flimsy at best, yet clearly the fact that the free black community came to form an important element, some would argue the backbone of the Muslim community, would tend to mean that in some cases Islamic motivations may well have been influential. Yet whatever the case may be, restrictions on the process of manumission, played a role in restraining the growth of a free black community.

Yet clearly the state was not satisfied with merely restricting the growth of a free black community. Throughout almost the entire eighteenth century, it used the various agencies at its disposal, to police the free black community, and keep careful watch over it. The profound sense of suspicion with which members of the ruling

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<sup>96</sup> Requesten en Nominasies. Polietieke Raad C1101 Requesten no. 89 p 230.

<sup>97</sup> Requesten en nominasies, Polietieke Raad C 1163 Requesten no. 147 p 86.

<sup>98</sup> Requesten en Nominasies, Polietieke Raad C 1159 Requesten no. 142 and no. 22 (1771) and no. 58 (1778). See also Requesten pp 609, 612 and 614.

classes viewed the free blacks has been captured by a French traveller to the Cape; writing in the latter part of the eighteenth century, Le Vaillant observed that,<sup>99</sup>

the criminals whom the government of Batavia often sends to the Cape, in order to get rid of them, preserve amongst the slaves a certain disorder which will always afflict them. Those people called Bouginees, are Malays, all fishermen and harbourers of thieves; with respect to the latter article, their reputation is so well established, that a search is always made first among them, when a slave has disappeared or when effects have been stolen.

Commenting on this tendency for the houses of free blacks to be subject to the arbitrary entry and search by the various repressive agencies operative within the town, the report on the police, observed that such actions were derived from "...the jealousy and suspicion with which the movements and associations of these classes are regarded", and not their dishonesty or inherent criminality."<sup>100</sup>

No doubt the steady growth of the muslim community during the latter decades of the century only served to heighten this sense of jealousy and suspicion", as it became increasingly obvious that the various restrictions were, at best only of limited use. Yet while forced to accept the presence of a muslim community in Cape Town, the Company was not prepared to tolerate its spread into the countryside. already by the end of the century there is evidence of Islam existing in areas of the Boland, most notably in and around the towns of Paarl

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<sup>99</sup> Le Vaillant, F. Travels into the interior parts of Africa by way of the Cape of Good Hope. (trans.) M. Le Vaillant (Dublin, 1790) p 103. (emphasis mine)

<sup>100</sup> "Report on the Police..." in RCC, XXXV (1828) p 138.

and Stellenbosch.<sup>101</sup> In what was most certainly an attempt to curtail the mobility of free blacks, the pass laws were extended for the first time over a "free" community. The promulgation of plakaaten establishing the fire-engines of Cape Town, provided the necessary pretext, the restrictions on the free blacks being justified on the basis of their having to man these engines in the event of a fire.<sup>102</sup> That some forty years later, the Commissioners of Inquiry into the police, were unable to find reasons why fire duty had become the exclusive preserve of the free blacks, when such "menial" tasks tended to be the job of slaves, only verifies the point that more subtle considerations were instrumental in the formulation of this measure, considerations that had as their founding premise the imposition of restrictions on the development of Islam.

## 2. The Social Context of Resistance in Cape Town: The Politics of Space.

The issue of the harassment of the free black community, and the sense of "jealousy and suspicion" with which they were viewed by the ruling classes, tends to transcend the issue of formulating legislative responses to the growth of Islam. Indeed it would be absurd to claim that any of the above measures were the exclusive result of ruling class concern with the spread of Islam. Many of the sorts of measures highlighted above, find their roots in the continual attempt by the rulers to control and shape those aspects of the lives of the ruled, that occurred outside the direct control of the former, ie. with the broader concerns of hegemony.

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<sup>101</sup> An earlier quote cited by Lichtenstein is an indication of this tendency.

<sup>102</sup> Papers relating to the Compulsory Service of the Malays and Free Blacks of Cape Town. CO 414/6D35. (PRO, London)

Yet the fact that the ruling classes deemed it necessary to formulate legislative measures designed to extend the parameters of their hegemony, indicates that a certain amount of social space existed within which the ruled could and indeed did, create institutions and practices of their own. It is, however, not the examination of these institutions and practices that concerns us at this point; what is to be examined here is the extent of and factors contributing towards the existence of this space, and how as the eighteenth century progressed, its extent broadened.

In this respect, it is an appropriate point of departure to return to a point made earlier: In discussing the nature of social relations in the colony during the Company period, Elphick and Shell made the point that the Cape was perhaps one of the most rigid and closed slave societies.<sup>104</sup> The absolute extent of the "hegemony" of the masters over their slaves and the widespread nature of slavery, meant that the slaves' culture was slowly transformed, such that it tended to conform in many respects, with that of the masters. Only on the frontier was this hegemony seriously challenged, argue Elphick and Shell.<sup>105</sup>

Yet as Ross, Worden and others point out the very notion of hegemony

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<sup>104</sup> Elphick and Shell op. cit. p 161.

<sup>105</sup> *ibid.* pp 160-162.

implies conflict and struggle,<sup>105</sup> conflict and struggles in which the ruled were forever challenging the terms of such hegemony. To claim as Elphick and Shell seem to, that ruling class hegemony remained unchallenged is not only inaccurate, but tends to deny any sense of dynamism to the history of the eighteenth century. In this regard Worden highlights the salient issue:<sup>106</sup>

It was a fundamental tendency for all slaves to resist their enslavement...(for) slavery distorts the personality and all human relationships so that only in resistance can the self be realised and dignity restored.

Yet as Ross notes, such resistance does not occur in a vacuum or in the abstract; it is shaped by the prevailing matrix of social relations. "In the slaves' reaction to...this new society of the Cape", writes Ross,<sup>107</sup>

...two things mattered above all: The work they were forced to do, and the ways of life they were able to create. These developed out of a synthesis between the cultures of their lands of origin and that of the Dutch.

In this respect the very structures of slavery at the Cape, tended to enhance the existence of such space, as masters were both unable and unwilling to prevail over their vassals for every moment of the day.<sup>108</sup> The division of the working day into periods of labour and

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105 Ross, The Cape of Torments... p 13.

106 Worden, op. cit. p 316.

107 Ross op. cit. p 13.

108 While Armstrong makes the point that the structure of slavery at the Cape may in certain cases have allowed very close relations between master and slave, it is highly unlikely that these relations ever came to resemble the general pattern of household



rest tended, however, to allow slaves only the slightest of opportunities to create such ways of life. The further from Cape Town one moved, and the smaller the number of slaves per master one found, the less this space tended to be.

The situation in Cape Town itself, however, was unique. The prevalence of a relatively large number of slaves in the town, as well as the relative ease of accessibility to their comrades, in the very crudest of senses provided unique opportunities for the slaves to create their own ways of life. While again the evidence in support of this assertion is hardly forthcoming, one gains a sense of precisely the sorts of concerns by examining the actions of the masters and the officials of state, who from time to time attempted to curtail the extent of this space by the various means at their disposal.

The fact that for example, by the mid-1690s, it had become necessary to establish the institution of the Burgherwaght, "...because of instances of arson, theft and other acts of violence and lawlessness perpetrated by young blacks on the run...", highlights precisely these concerns.<sup>110</sup> And runaway slaves were by no means the only source of concern. Regulations that attempted to restrict the mobility of slaves after dark, by making it compulsory for them to

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slavery found in various muslim societies elsewhere in Africa; a pattern of slavery that very often resulted in the full integration of the slave into the family of the master. See Armstrong op. cit. pp 107-108. For more details on the subject of slavery in Africa see Lovejoy, P.E. Transformations in Slavery: A History of Slavery in Africa, (Cambridge, 1983), pp 15-18 and chapter 2.

<sup>110</sup> 1 April 1696 Kaapse Plakkaatboeke, vol. II p 295.

carry lanterns,<sup>111</sup> and later passes,<sup>112</sup> demonstrates an awareness on the part of the masters and their allies that their slaves were successfully able to develop their own forms of social practice. If one bears in mind the fact that at the turn of the eighteenth century, Cape Town comprised barely one hundred houses, with a population of little more than a thousand people, the majority of whom were in fact VOC officials and burghers, then the extent of their achievement is appreciated.<sup>113</sup>

Yet it was not only after dark that the opportunities existed for slaves to create their own ways of life. The specific conditions of urban, as opposed to rural, life tended to extend the space between master and slave, ruler and ruled; a tendency most vividly illustrated in the particular nature of the labour of slaves in Cape Town.

Most obvious in this regard is the issue of fuel collection. In his analysis of the occupations of Cape Town's slaves, Ross observes that one of the most significant of such labours was the collection of firewood, a labour that by its very nature gave the slave considerable freedom of movement around the town and its surrounding mountains.<sup>114</sup> While one should not be misled into thinking that

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<sup>111</sup> Plakkaaten issued in September 1754, vol. III pp 1-6, July 1760 p 31 and again September 1786 p 100.

<sup>112</sup> Plakkaaten issued in July 1760 in Kaapse Plakkaatboek, p 31.

<sup>113</sup> Lockyer, C. An account of the Trade in India...Within an account of the Cape of Good Hope, (London, 1711), p 289.

<sup>114</sup> Ross, R. "the Occupations of slaves in eighteenth

the collection of wood on the mountains was an easy task, the various restrictions that were issued from time to time limiting the areas of collection, as well as the monitoring of collectors, creates the impression that members of the ruling classes were concerned about the activities of their slaves, activities that went beyond the mere collection of wood. As Ross astutely observes, "...the job of cutting wood did give some slaves the chance to escape from their masters' surveillance and in so doing, aid the runaways who were often to be found on the mountain."<sup>115</sup>

The most extreme example that highlights precisely this phenomenon occurred in 1760 when the VOC forbade any slave to climb Table Mountain; a consequence of the fact that a group of runaway slaves whose hideout was on the mountain had killed a company servant.<sup>116</sup> Ross argues, however, that such instances were rare. That they took place at all indicates that the opportunities existed for slaves to formulate their own forms of social practice.

Perhaps more significant than the opportunity such labour gave the slave to aid runaways, was the manner in which fuel collection could be run as a commercial activity. As Ross again highlights, there are accounts of runaway slaves, "...who maintained themselves by selling wood in the streets of Cape Town, coming down from the mountain to do so."<sup>117</sup> It is thus not inconceivable that relations

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 century Cape Town", in, Studies in the History of Cape Town (eds) C. Saunders and H. Phillips vol.II (1980), pp 8-9.

<sup>115</sup> Ibid. p 9.

<sup>116</sup> Ibid. p 9.

<sup>117</sup> Ibid. p 9.

existed between such runaways and other slaves, wherein the former would collect wood on behalf of the latter, in exchange for certain necessities that would make life on the mountain more amenable. Whatever the case may be, one cannot escape the conclusion that throughout the eighteenth century and indeed well into the nineteenth century, the necessity of sending slaves into the surrounding mountains and hills, provided the latter with a certain amount of space within which slaves could, and in fact did, engage in activities over which the masters had little or no control.<sup>117</sup>

Perhaps more significant than the issue of access to areas beyond the immediate surveillance of the ruling classes, was the more subtle process of class formation occurring within the town itself, particularly with respect to the creation of a small but relatively affluent class of artisans, traders and fishermen among elements of the slave and free black community. Traditionally it has been argued that these occupations tended to be the preserve of the "Malays", free and bonded.<sup>118</sup> Yet thus far no analyst has been able to determine why this is so, or more particularly, how this came about.

While I do not intend to examine this issue in any depth, it is nevertheless crucial that some comments be made. For as Mirza Abu Talib Khan was to observe in the latter years of the eighteenth

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<sup>117</sup> Burchall, W. op. cit. p 39.

<sup>118</sup> Shell op. cit. p 38.

century, <sup>120</sup>

...the low people of the Cape are primarily composed of negroes and malays, the majority of whom were slaves, but have been able to buy their freedom or have been emancipated by their masters. I have found amongst them many pious and good muslims who own considerable property...

Here Khan points towards the essential feature of an analysis of the emergence of a free black community, viz. that it was a dynamic process. One cannot assume, as is often the case, that the "malays" came to the Cape as artisans. Writing as late as 1811, Burchall notes about the "malays" that, <sup>121</sup>

...the males are taught to be carpenters, cabinet makers, masons, shoemakers, tailors, cooks, coachmen, valets or handicraft men...

The emphasis here is on the fact that the slaves were taught such skills, no doubt often by the masters. Over time, as they were often able to accumulate a degree of wealth and possibly even buy their freedom, these artisans, traders and fishermen came to form a small but distinctive element within the fabric of Cape Town's social relations.

I would contend, however, that the notion that these people were "malays" in the racial or ethnic sense of the word, is grossly

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<sup>120</sup> Mirza abu Taleb Khan, Travels of Mirza Abu Taleb Khan in Asia, Africa and Europe during the years 1799, 1800, 1801, 1802 and 1803, (London, 1810), p 56. (emphasis mine)

<sup>121</sup> Burchall, op cit. p 32.

inaccurate. As has been explained elsewhere, the prevailing expressions of social categories at the Cape were only partially informed by an appeal to racist or ethnic typologies.<sup>121</sup> The term "Malay" in particular came to denote, by the turn of the nineteenth century, adherence to particular forms of social conduct, and a particular religion, viz. Islam. Any analysis that therefore seeks to come to terms with the complex processes of class formation in Cape Town during the eighteenth century, and in particular the formation of a class of non-European artisans, must account for the manner in which such artisans tended to become a focal point for the growth of Islam.<sup>122</sup>

Before, however, turning to the examination of the growth of Islam itself, it is necessary that one last factor be highlighted, viz. the growing social complexity of social relations in the town itself. As was stated earlier, at the turn of the eighteenth century, Cape Town comprised barely one hundred houses, with no shops and only the most rudimentary infrastructure. By the end of that century, however, the town had grown to well over a thousand dwellings, and supported a population of over 15 000.<sup>123</sup> In terms of the above analysis, one implication of such a growth is obvious: The kind of face-to-face contact that characterized life in the town at the beginning of the century, just did not exist at its end. The weight

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<sup>121</sup> Bradlow, M.A. op. cit. pp 160-174.

<sup>122</sup> This point is implied by Shell who notes that in the period 1800 to 1850, over 50% of the local 'ulama were artisans. Shell op. cit. pp 38-39.

<sup>123</sup> <sup>37</sup> Barrow, J. op. cit. pp 340-342.

of numbers above all made it impossible for masters to know not only what their slaves were doing, but who was a slave and who was not. From the 1760s, as the town began to grow rapidly, the increasing complexity of the general pattern of social relations in the town, tended to extend the space between the rulers and the ruled.

### 3. The Roots of Islamization: Tassawwuf and the growth of Sufi Tariqas.

The examination of the posture of the state and the nature of the limits of ruling class hegemony, provide only the context for understanding the growth of Islam in Cape Town during the eighteenth century. As Sharot explains, however, "...religious movements should not be analysed as prestructured results of social, cultural and psychological conditions, but as emergent and processural entities, the features of which play a large part in their development and spread."<sup>124</sup> In other words, the above analysis while explaining the nature of the historical context, fails to address itself to the questions of how Islam came to manifest itself at the Cape, and, more significantly why it did. In order to do this it is necessary that one examine the particular expression of Islam at the Cape, one that hinged around the operation of sufi tariqas.

To begin with, however, it is necessary that certain key concepts be more clearly spelt out, for without a more precise appreciation of the complexity of the issues involved, much of the analysis that follows may seem misplaced. In this respect one must disabuse

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<sup>124</sup> Sharot op. cit. p 23.

oneself of all monolithic conceptions of Islam. Historically the manner in which Islam has come to manifest itself in various societies at various points in time, has varied greatly. At times its establishment has been the result of vigorous jihad movements, and at others the consequence of the steady expansion of trade. As has been hinted at during the course of this chapter, at the Cape, it is argued, its establishment and initial growth was the result of the influence of charismatic individuals who brought with them a form of Islamic practice steeped in mysticism.

In view, therefore, of the centrality of these mystics to the nature of the process of Islamisation, it is necessary that one focus, albeit briefly, on the nature of mysticism in Islam. As is the case with many other mystical movements, Islamic mysticism, or more correctly tassawwuf, "...is primarily concerned with the inner state of the soul, rather than external behaviour."<sup>126</sup> Ansari argues that it has also been seen by some as, "...a quest for reality, an enlightenment or gnosis."<sup>127</sup> In this respect the key element of any analysis of tassawwuf is that it is an "effective experience", "...the authentic expression of the inner dimension of Islam, and the most perfect realisation of its spiritual values."<sup>128</sup>

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<sup>126</sup> Ansari, M.A.H. Sufism and Shari'ah: A Study of Shaykh Ahmad Sirhindi's effort to reform Sufism, (Leicester, 1986), p 31.

<sup>127</sup> Ibid. p 32.

<sup>128</sup> Ibid. p 55-62. noting that sufism is essentially the mystical dimension of Islam does not mean that it exists in isolation from the shari'ah. On the contrary mainstream sufism has always emphasised that mystical experiences stem from the embodiment of these outward forms. As Ansari explains the shari'ah is defined in two senses: "First, the usual sense of rules and regulations of the Quran and sunnah concerning worship



while the above sorts of concerns are undoubtedly central to tassawwuf, there is another dimension to Islamic mysticism that separates it from mystical traditions in other religions, ie. a dimension that stresses a phenomenon Sharot terms the "routinization of charisma". Paraphrasing Sharot's argument, at the heart of all mystical movements are charismatic leaders. Yet this charisma tends to be "transitory and intermittent".<sup>129</sup> "If it is to continue as a permanent and stable structure," argues Sharot, "a transformation of the charismatic type of authority is required."<sup>130</sup> The process by which authority, and by implication charisma, is transferred from one person to the next, constitutes the phenomenon of the routinization of charisma; a process that is encapsulated within tassawwuf by the institution of tariqa.

In his analysis of nineteenth century tariqas in Africa, Martin defines them as, "...hierarchically organised mystical organisations."<sup>131</sup> Noting that the creation and spread of tariqas or as he prefers, sufi orders, "...introduced a collective and organized spirit into mysticism," he argues that they created new forms of social organisation; forms of social organisation that cut

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and rites, morals and society, economy and government,...(however) It is also used in a far broader sense to include everything which God has prescribed (Shar'a) directly or through the Prophet (SAW)...Shariah in this sense is a comprehensive system of faith and practice." p 71.

<sup>129</sup> Sharot op. cit. p 23.

<sup>130</sup> Ibid. p 24.

<sup>131</sup> Martin op. cit. p 1.

across kinship groups, classes, professions and lineages, serving to integrate the units vertically."<sup>132</sup>

Important in maintaining the existence of these voluntary mystical organisations, were the individual members' experiences in the congregational majlis and dhikirs. "Out of the intensity of their experiences, a highly cohesive body could be created that spread throughout whole regions of lands."<sup>133</sup> That tariqas, therefore, implied both mundane as well as mystical links between a shaykh (guide) and his murid (follower), meant that at times, such organisation could be exploited for political ends. "Yet it must be stressed," writes Martin,<sup>134</sup>

...that no brotherhood has any inherent tendency towards political action, no special call to defend Islam nor to participate in what has been termed "primary resistance". Being essentially mystical organisations, orders did not deviate from their original reason for existing without strong pressures external to the order.

While the extent of a shaykh's authority is no doubt the crucial factor in transforming tariqas into political or even military organisations, there is another crucial factor that influences the posture of both the shaykh and his followers to the machinations of the mundane world, viz. that of ideology.

Within tassawwuf there are two dominant philosophical traditions that are highly relevant to the issues raised above. The one

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<sup>132</sup> Ibid. p 1.

<sup>133</sup> Ibid. p 2.

<sup>134</sup> Ibid. p 2.

tendency underscored by the philosophy of wahdat-ul-wajud,<sup>135</sup> is inward looking, reflective and tends towards isolationism, while the other, drawing on the philosophical tradition of wahdat-ul-shahud,<sup>136</sup> is activist outward looking and often militant. While no one tariqa embodies exclusively one or other tendency, it is not without significance for the analysis of Islam at the Cape, that of the two, the former tended to predominate among the mystics of the Indonesian Archipelago.<sup>137</sup>

Noting this, however, raises the whole issue of the impact of Indonesian Islam on the Cape. If one follows the arguments of Shell and Davids, then such influence as may have been exerted by such groups as the political exiles, was minimised by the ability of the VOC to isolate these "troublesome influences".<sup>138</sup> In short Shell, Davids and their like discount the possibility of any continuity between the form of Islam practised in the Archipelago and that at the Cape. On the contrary they argue the development of Islam at the Cape was shaped by the prevailing "milieu" there.<sup>139</sup>

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<sup>135</sup> For more details on the precise nature of the philosophy of wahdat-ul-wujud see Ansari, op. cit. pp 42-45.

<sup>136</sup> Ibid. pp 45-47.

<sup>137</sup> Al Attas, op. cit. p 167.

<sup>138</sup> Shell, op. cit. p 46.

<sup>139</sup> Spelling out precisely this tendency Shell writes: "The overall conclusion is that a considerably smaller number of muslims were brought to the Cape than was formerly thought. Although there may have been a few devout muslims among those Indonesians brought to the colony, in general however, they were not muslim and the explanation that Islam's growth at the Cape was due to muslims being transplanted from the Indonesian

This view, however, errs not only in failing to appreciate the forms of continuity between Islam in Indonesia and the Cape, but in its assessment of Islam in Indonesia itself. Indeed their argument is based upon the view that Islam in Indonesia was itself a recent arrival, and hence had failed to make any major impact on the nature of social relations in the area.<sup>140</sup> Yet as al-Attas argues, from as early as the thirteenth century the Archipeligo had become an integral feature of the "Muslim world".<sup>141</sup> Al-Attas points out that the essential thrust of this early period of Islamisation (from 1200 to 1400) was political, as the Archipeligo's social structure was reshaped in order to conform to the precepts of the shari'ah.

By the time the first European traders began operating in the region, the political and ideological roots of Islam were thus already firmly laid. Its effects, argue al-Attas, were revolutionary:<sup>142</sup>

Islam came to the Archipeligo couched in Sufi metaphysics. It was through tassawwuf that the highly intellectual and rationalist religious spirit entered the receptive minds of the people... This emergence of rationalism and intellectualism set in motion the process of revolutionising the Malay-Indonesian world view...

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Archipeligo can be discarded." See Shell op. cit. p 7.

<sup>140</sup> See for example Boxer, op. cit. pp 153-154.

<sup>141</sup> Al Attas, op. cit. pp 161-162.

<sup>142</sup> Ibid. p 165.

Most significantly al-Attas argues that such a revolution engendered a sense of "spiritual equality" and sense of "worth" that tended to prevail at the level of popular culture; notions that tended to be absent in the pre-Islamic era.<sup>143</sup>

The penetration of European colonialism into the Archipelago, far from accelerating the pace of Islamization - a point made by Boxer and Shell<sup>144</sup> - on the contrary interrupted and retarded this process.<sup>145</sup> As al-Attas points out, "prejudice against, and fear of Islam influenced western imperialism in attempting a consistent policy of separating muslims from their religion."<sup>146</sup> Undoubtedly, however, the long and bitter struggles waged by Muslim rulers of the Archipelago against the Dutch, and in particular the jihadist nature of these struggles, served to popularise Islam and transform it into an ideology of anti-colonial resistance. Yet one must not make the mistake of equating this process of popularization, with the spread of Islam itself.

Here one would do well to bear in mind the following sketch offered by Ansari of the process of Islamization:<sup>147</sup>

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<sup>143</sup> Ibid. p 165.

<sup>144</sup> Shell op. cit. pp 7-8.

<sup>145</sup> Al Attas, op. cit. p 173.

<sup>146</sup> Ibid. p 174.

<sup>147</sup> Ansari, op. cit. p 90.

The first step on this way is to call people to God; the next is to purify them and make them servants of God and the last is to establish the rule of His shari'ah.

As will be examined in the remainder of this and the next chapter, this was precisely the manner in which Islam came to manifest itself at the Cape.

While Davids and others have successfully established the point that muslims were to be found at the Cape from almost as early as the first colonizers, it is important to bear in mind that the presence of Muslims does not necessarily mean that Islam as a form of social practice existed.<sup>148</sup> Indeed it would appear that one can only begin to talk of the arrival of Islam at the Cape, towards the end of the seventeenth century, with the arrival of such people as Sayyid Mahmud (RA), Sayyid Abdur Rahman (RA) in the mid 1660s and Shaykh Yusuf (RA) in 1694.<sup>149</sup>

Before, however, expanding on the impact of these men on the growth and development of Islam at the Cape, it is necessary that a comment be made about the nature of sources and methodology. To begin with it must be restated that no single set of sources exists that verifies the argument that follows; yet a marriage of oral traditions to a variety of other sources, builds up the contours of an approach that captures the trajectory and form of the process of Islamization.

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<sup>148</sup> As is explored elsewhere a broader definition of Islam encompasses the idea of a set of principles and practices that comprise a way of life. Bradlow, M. A. op. cit. pp 43-46.

<sup>149</sup> Jefferys, K. M. "The Malay Tombs of the Holy Circle" in The Cape Naturalist. I, 3 (1936) p 89.

Oral traditions for example, express the view that the two Karamats in Constantia, the graves of Sayyid Mahmud (RA) and Sayyid Abdur Rahman (RA) are the resting places of Muslim saints, or more correctly Awlia. Of these two men, Jefferys writes that archival sources verify that both were political exiles from Java, banished to the Cape for resisting Dutch imperial interests.<sup>150</sup> This too is verified by an inscription at one of the graves. It reads as follows:<sup>151</sup>

On the 24th January 1667, the ship Polsbroek left Batavia and arrived here (the Cape) on the 13th May following, with three political prisoners in chains, Malays (sic) from the west coast of Sumatra, who were banished to the Cape until further orders, on the understanding that they would eventually be released. They were rulers "Orang Cayen" men of wealth and influence. Great care had to be taken that they were not left at large as they were likely to do injury to the Company. Two were sent to the Company forests and the one to Robben Island.

While both may have been isolated from life in Cape Town itself, there is evidence that leads one to believe that they were not isolated from all the people of the town, a point illustrated by the further point that around the shrines are a number of smaller graves. According to oral traditions, these are the graves of the murids of the various shaykhs.<sup>152</sup>

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150 Ibid. pp 89-90.

151 Ibid. p 89.

152 While this idea is a widely held notion within the muslim community, my specific source in this regard an interview with Dr. Y.S. Jaffer conducted on the 15 March 1986.

What is significant about this tendency is not only that it illustrates the presence of sufi tariqas from as early as the 1660s, but also that it gives one an insight into the kinds of social practice evidenced during this period. Indeed it is highly likely that the burial places of the two shaykhs were the respective points of habitat during their incarceration at the Cape. The fact that no mention is made of any accompanying retinue, and the fact that the graves of murids are located in close proximity to these sites, suggests that these locations were the points at which these shaykhs and murids conducted their majlis and dhikir.

These assertions throw up a whole series of issues many of which simply have no answers. Who, for example, were the shaykh's murids, and from which social category or class were they drawn, is clearly unanswerable. Yet if one ties in this phenomenon with issues raised earlier, one can argue that it is likely that they were either fugitives themselves, or slaves, who exploiting the space given to them in their duties, were able from time to time to sit in the company of their shaykh.

This in turn raises the issue of community and practice. for if indeed these locations were the points at which the shaykh and his murids came together, then surely the grounds exist for arguing that there exists the first instances in which Muslims engaged in forms of communal action. That these forms were steeped in mystical practices and conducted in secret, should in no way detract from the point that they did in fact exist.



In this respect it can be argued that the formation of another such community at Sandvliet around the person of Shaykh Yusuf (RA), later that century marks a continuum in precisely this form of social practice. Dangor and others have shown that the teachings of Shaykh Yusuf (RA) attracted not only followers from his home in the Archipelago but also from Cape Town, the most notable of these being a group of runaway slaves.<sup>153</sup>

There is, furthermore, no doubt that Shaykh Yusuf (RA) was a shaykh of tassawwuf, having been invested with khalifa<sup>154</sup> in the Khalwati order whilst in Indonesia.<sup>155</sup> Yet unlike his comrades in Constantia, both Dangor and Lewis seem to believe that shaykh Yusuf (RA) did not confine his activities to the community at Sandvliet:<sup>156</sup>

...although it was illegal for Archipelago to hold private meetings for any purpose in their homes, Shaykh Yusuf together with the imams in his following, conducted religious sessions and prayer meetings in several slave lodges and private houses.

While Shell refuses to accept the possibility of such

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<sup>153</sup> Dangor, op. cit. p 58.

<sup>154</sup> Strictly translated Khalifa refers to the idea of both a teacher and a leader. From within tassawwuf, however, it refers to a particular station in the spiritual hierarchy ; a station at which the incumbent has been invested with the right to conduct dhikirs, initiate murids and in turn pass these rights onto one of his followers.

<sup>155</sup> Dangor, op. cit. p 58.

<sup>156</sup> Ibid. p 59.

activities,<sup>157</sup> it would seem that the desire of certain of shaykh Yusuf's (RA) followers to remain behind after the shaykh's death, and the departure of the rest of his family and retinue, would indicate that certain links existed between the slaves of the town and the shaykh.<sup>158</sup> A despatch from the Company seems to echo this view:<sup>159</sup>

These Mahomedans are multiplying rapidly and increasing in numbers. However Joseph (sic) is now dead and we therefore ask you to find a proper method by which to release us from his adherents...and that we may in future be exempt from such people.

Jefferys also notes that the shrine on the top of Signal Hill was built over the resting place of one of Shaykh Yusuf's (RA) followers,<sup>160</sup> one of those who remained behind to continue teaching the message. In the scheme of things, it is highly likely that this shaykh was invested by Shaykh Yusuf (RA) with the khilfa of his sufi order, an investiture that was no doubt predicated upon the former remaining at the Cape to oversee the continuing practice of Islam there.

This practice whereby khilfa was passed on from shaykh to murid forms the cornerstone of the analysis of the development of Islam

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157 Shell op. cit. p ...

158 Dangor, op. cit. pp 58-62.

159 Jefferys, K. M. "The Malay Toumbs and the Holy Circle" in The Cape Naturalist, I, 5 (1938), p 196.

160 Jefferys, K.M. "The Malay Toumbs and the Holy Circle" in The Cape Naturalist, I, 1 (1934), p 16.

at the Cape during the seventeenth and eighteenth centuries, for it encapsulates the dynamic of the process of Islamization during this period. Islam therefore did not die with the passing of Shaykh Yusuf (RA), nor for that matter with the passing of Sayyid Mahmud (RA) and Sayyid Abdur Rahman (RA) at Constantia. On the contrary it continued to thrive as the message was passed on from one generation to the next, from shaykh to murid.

One further point needs to be elaborated upon with respect to Shaykh Yusuf's (RA) tariqa, viz. that according to oral evidence the Khalwati order tended to emphasise the necessity of separation from society; a consequence of the dominance of the philosophy of wahdat-ul-wajud. In other words, it would be in keeping with the practice of this particular tariqa for them to hold their majlis and dhikir somewhere beyond the prying eyes of outsiders.<sup>161</sup>

Combined with this, the fact that state repression encouraged such forms of covert organisation and practice, it would seem likely that the surrounding hills and mountains provided the ideal location for such activities, a location, furthermore, that a considerable number of slaves had relatively easy access to.

An interesting aspect of this process of development was that several tariqas came to be established at the Cape, each with their own network of shaykhs and murids. The shrine in present day Oranjezicht is the resting place of Shaykh Abdul Haq (RA) of the

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<sup>161</sup> Interview with 'Abdul Aziz 'Alowie Johnson conducted on 15 April 1987.

Qadari tariqa,<sup>162</sup> while that of Tuan Sayyid (RA) on Signal Hill is of the 'Alowie tariqa'.<sup>163</sup> Thus at various points around the town, small groups of murids would either during the day or night steal time to sit in the company of their respective shaykhs; some of these, like Tuan Sayyid (RA) may have used their houses as gathering points, while others, such as Sayyid Nurumubin (RA) who lived in the hills above Camps Bay, the mountain. Referring specifically to the latter shaykh, Jefferys argues that being an escapee from Robben Island, he was forced to make his home amongst the hills of Camps Bay. Of this place she writes,<sup>164</sup>

Long before they reached his hiding place, Nureel Moebeen (sic) could have seen horsemen, the soldiers, the fishermen, or the Hottentots approaching and he could have been out of sight of the enemies or down on the Company's cattle path to meet his friends by the time they got so far.

That Sayyid Nurumubin (RA) was able to live so close to the centre of the town undetected and unhindered by the VOC clearly illustrates the sort of space these shaykhs were able to carve out for themselves, and the space that existed for the town's underclasses to create alternative forms of social practice. It would appear, furthermore, that for much of the eighteenth century precisely these sorts of covert practice characterized the process of Islamization. While it may be true to say that no sense of overall community may have existed, it is clear that numerous small

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<sup>162</sup> See Appendix 1, on page 207, for a list of the various shaykhs.

<sup>163</sup> See Appendix 2, on page 209 for a map of the locations of the various karamats.

<sup>164</sup> Jefferys, K.M. "The Malay Toubms and the Holy Circle", in, The Cape Naturalist, I, 4 (1937) p 120.

communities characterized the form of Islam at the Cape. These communities were largely informal in their structure, and covert in their practice.

It is interesting to note, however, that in one significant respect there was an exception to this tendency. On Robben Island itself, lies buried a Muslim saint by the name of 'Abdul Mattara (RA) who like those shaykhs in Constantia, Sandvliet and Camps Bay is surrounded by the smaller graves of his followers.<sup>165</sup> It is hard to imagine that this particular shaykh was able to conduct meetings with these murids without the knowledge of the Company. Indeed it is highly likely that it was his defiance in openly practising his faith that persuaded the VOC to imprison him on the Island until his death.

Yet while this was the predominant form of Islam at the Cape during the eighteenth century, from as early as the 1770s one begins to witness a shift in emphasis towards more overt, unified forms of organisation. While it is difficult to attribute this to any single phenomenon, it would seem likely that the steadily growing number of Muslims made such covert forms of organisation and practice impractical. Combined with this, the fact that the closing decades of the eighteenth century witnessed periods of

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It is worth noting that Shaykh 'Abdul Mattara al Alowie (RA) appears to be the shaykh of Tuan Sayyid al Alowie (RA) and that the latter was only released from his incarceration on Robben Island upon the "death" of his master. That Tuan Sayyid (RA) went on to be a major influence in the development of Islam in Cape Town initiating his own murid, tends to indicate that he was invested with khalifa by Shaykh 'Abdul Mattara (RA). See Leist van indiaasche Bannelinge die alhier aan Cabo de Goede Hoop bevind en voor hoe langen tyd zy gebannen zyn. Banditten Rollen, 1745. Cape Archives.

dramatic growth for the colony as a whole, as well as a concomitant decline in the effectiveness of the state, no doubt contributed to a growing sense of confidence amongst elements of the Muslim community that overt practice was not going to be easily suppressed.<sup>166</sup>

The extent of such confidence is evident in the fact that members of that community felt no fear in inviting members of the ruling classes to some of their social gatherings, Thunberg's description of the "Javanese new year" celebrations being a case in point.<sup>167</sup> Yet it is only in the last decade of the eighteenth century that one can begin to observe a shift towards the institutionalisation of Islamic practice; a shift that occurred under the leadership of Tuan Guru (RA).<sup>168</sup>

One last aspect needs to be addressed in the discussion of Islam in the eighteenth century, viz. the relations between members of the muslim community, and in particular the leaders of this community (the sufi shaykhs) and the broader spectrum of underclasses. Again the difficulties of making conclusive statements in this regard are prevalent. Yet in the examples of Sayyid Nuruman (RA) and Tuan Sayyid (RA) one gains insights into the sorts of concerns

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<sup>166</sup> That muslims felt sufficiently confident to invite an outsider, and at that a settler, to one of their religious gatherings displays the extent of social space prevalent within the town, particularly in view of the fact that the practice of Islam was still illegal!

<sup>167</sup> Thunburg, op. cit. pp 133-134.

<sup>168</sup> This is the focus of Chapter 3.

that characterise this relationship. Popular folklore relates that Sayyid Nuruman (RA) or as he was more popularly known, Paai Skaapie,<sup>169</sup>

...was not a man of learning, but a simple and lovable character...He knew no more than anyone else that he was a holy man; but a group of young malays passing near his home saw a bright light streaming upwards from it into the sky. They crept to the window and saw the old man kneeling in prayer and a strange radiance filling the room.

After his death it is noted that, "it became customary to visit the cemetery...for the purpose of asking a blessing before setting out on a journey."<sup>170</sup> Travellers would then take a small amount of soil, as a good luck charm, for as popular folklore relates, Paai Skaapie would make sure the bearer would return safely to his home.<sup>171</sup> Interestingly while one can discount much of the patronising imagery du Plessis and Luckhov seek to emphasise, it would appear that that the above custom derives from the activities of Sayyid Nuruman (RA) during his life. In papers before the Courts of Justice, Nuruman (RA) or as the Dutch referred to him, Norman, was charged with aiding runaway slaves. According to the prosecution, Norman gave an azimat written in "Malay script" to the slaves for good luck in their attempt to run away. Furthermore, they considered him enough of a threat to incarcerate him on Robben Island as punishment for his "crime".<sup>172</sup> The significance of

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<sup>169</sup> du Plessis and Luckhoff, op. cit. p 35.

<sup>170</sup> Jefferys, K.M. "The Malay Tumbis and the Holy Circle" in The Cape Naturalist. I,2 (1935) p 42.

<sup>171</sup> Ross, The Cape of Torments... pp 20-21.

<sup>172</sup> See the records of the Courts of Justice, CJ 795 Kriminele Vonninisse (Register of Sentences; Criminal Cases) 1782-1789.

this does not escape Ross. Yet clearly the numerical weight of his following is not the issue.<sup>173</sup> On the contrary, as popular folklore seems to confirm, he was respected by the broad mass of Cape Town's population, a tendency that would tend to imply that there were significant links between the Muslim shaykhs and the lower classes of the town.<sup>174</sup>

An even clearer example of this tendency is provided by the legends that surround the life of Tuan Sayyid (RA). Upon his release from Robben Island, it is related that he acquired a job as a policeman. At night he would enter the slave lodge with a Qur'an under his arm and spend much of the night relating its meaning to the slaves. This way it is argued, he helped to spread the message of Islam.<sup>175</sup> The oral testimony of a member of the 'Alowie tariqa, however, questions whether a man who had spent eleven years on Robben Island for spreading the message of Islam, would have been allowed such privileges. Furthermore it is questionable whether he would have accepted such a post.<sup>176</sup> Clearly the whole notion of Tuan Sayyid (RA) being a policeman was developed in order to explain how it was possible for the Tuan to enter the slave lodge. That he could have been doing this in

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See also CJ 424, Kriminele Proesstukke (Documents in Criminal Cases), 1786.

<sup>173</sup> Ross, The Cape of Torments... pp 20-21.

<sup>174</sup> De Verzamelaar, 21 June 1842

<sup>175</sup> See Davids, A. The History of the Tanu Baru: The Case for the preservation of the Muslim Cemetery at the top of Longmarket Street, (Cape Town, 1986), pp 48-52.

<sup>176</sup> Interview with 'Abdul Aziz al Alowie Johnson, op. cit.



defiance of the Company is clearly a state of affairs the conventional wisdom is not willing to entertain.

If one ignores the specifics of precisely how Tuan Sayyid (RA) or for that matter any of the shaykhs mentioned above, managed to articulate their views to the broader non-muslim and muslim population, it would seem that slaves were likely to have predominated as amongst the most receptive to their message. This in turn would imply that aspects of this particular expression of Islam tended to relate organically to the condition of enslavement experienced by the latter.

One must, however, stop short of suggesting that these shaykhs acted as organic intellectuals in the Gramscian sense of the term. While able to interpret the brutal harshness of the prevailing social relations in a manner appropriate to mystics, one must not make the mistake of suggesting that they consciously formulated any ideology of anti-colonial resistance; the evidence simply does not exist to claim this. Furthermore, one simply does not gain any sense in which these shaykhs were encouraging slaves - or for that matter any of the oppressed classes - to actively resist their enslavement. Yet undoubtedly, the form of Islam preached and practised by these men tended to relate in some fashion to precisely these sorts of realities; it was however, an interpretation steeped in the exegieses of mystical Islam. Precisely therefore because "other wordly" concern tended to predominate in the particular expression of Islam at the Cape, one does not find its more militant features coming to the fore. That the expression of Islam found at the Cape did not emphasise

militant jihadism should, however, not detract one's attention away from the fact that its adoption by significant elements of the slave community in Cape Town, was nevertheless a significant indication of the fact that slaves were able to formulate their own ways of life, and do this in the face of considerable opposition from their masters.

### Chapter Three.

#### The Formation of a Muslim Community in Cape Town: Repression, Resistance and Community Formation, 1795-1840.

##### Introduction:

In contrast to the developments of the eighteenth century, the nineteenth century was to witness dramatic changes in the patterns of social organization manifest within the muslim community in Cape Town. From the covert, hidden forms of organization explored in the previous chapter, Islam began to take on an open, institutionalized character epitomized in the establishment of a network of mosques and schools. Significantly, however, this proliferation of institutional structures was not confined to the terrain of specifically "religious" activities. On the contrary, this very development of mosques and schools was itself part of a process that saw the creation of a general infrastructural matrix that at various discrete levels of social activity, attempted to co-ordinate and administer these developments.

This infrastructural matrix, moreover, fostered new sets of social relations within the town, positing these as an alternative to the prevailing configuration of social relations. It is in this sense that the process of Islamisation came to embrace a subtle challenge to the hegemony of capitalist social relations within the town.

It is this process of social reconstruction engendered by the process of Islamisation that in turn, explains the intensity of state sponsored repression against the Muslim community during this period; repression that encompassed an extensive array of measures

and strategies. No doubt in part the ferocity of state repression is due to the marked disdain colonial officials held for an alien religion. Yet there was clearly a sense in which state policy went beyond this sort of concern. Indeed it is argued that underscoring the state's desire "...to undermine such a doctrine" was in fact the desire to come to terms and deal with what was essentially a class challenge to the structure of ruling class hegemony.<sup>1</sup>

Finally, one should understand the dramatic growth of the muslim community in the late-1830's as a dialectic between community formation and state repression, a process of growth that was to leave almost two thirds of the town's non-settler population as adherents to the faith at the time of Emancipation in 1838.<sup>2</sup> The dramatic and sudden increase in the numbers of muslims at the closing of the period of slavery, indicates, it is argued, the existence of deep rooted connections between the community and significant elements of the slave population in the town, connections that must in part stem from the similar experiences of the oppression and exploitation that characterized the lot of Cape Town's under classes.

#### Re-examining explanations of the growth of Islam.

Islamic conversion at the Cape occurred in diverse ways and for a variety of reasons...First, slavery at the Cape

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<sup>1</sup> Comments made by the Governor of the Cape, the Earl of Caledon in a letter to the Colonial Office dated 4 February 1808, in, RCC VI, p 271.

<sup>2</sup> See pages 193 and 194 for more details about the statistics of this process. Cape Almanac, 1840. p 4.

consigned slaves to a social and legal limbo where the Christian rites of baptism, marriage and internment were denied them...Second, the impressive network of social, educational and religious institutions created by the early muslims at the Cape attracted many individuals in an economically or socially marginal position. Finally Islam offered immigrant people...and people of mixed origin and insecure status a place in a stable and self-assured community<sup>3</sup>.

As stated at the outset of this chapter, two processes stand out as central to the development of Islam at the Cape during the early nineteenth century: On the one hand there is the phenomenal numerical growth of the community, and on the other, there is the progressive trend towards institutionalisation. Precisely how these trends have been understood and explained, however, is far from satisfactory.

At one level, the issue of the numerical growth of adherents to Islam is treated as precisely this: a "cultural-religious" process involving largely the study of strategies of conversion.<sup>4</sup> At another level, the period is recognised as being one, that is characterised by the growth and development of institutional structures, a process of growth and development that occurs, however, largely if not wholly on a "cultural" plane.<sup>5</sup> The overall impression is thereby created that the process of Islamisation that occurs during this period is devoid of any broader

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<sup>3</sup> Shell, R.C.H. "From Rites to Rebellion: Islamic conversion at the Cape, 1808 to 1905." in: Studies in the History of Cape Town. V, (1984) p.32

<sup>4</sup> In this regard see Shell op. cit. pp 32-33.

<sup>5</sup> See for example Davids, A. Mosques of the Bo-Kaap: A Social History of Islam at the Cape. Cape Town, 1980.

social significance. Yet it has been suggested by certain writers that it was the dramatic restructuring of social relations in the colony during this period , "...combined with the rapid spread of Islam among coloureds, which added a fundamental religious difference between whites and blacks, (and) may help to explain the hardening of racial attitudes apparent by the mid-nineteenth century." <sup>6</sup>

The key to understanding this apparent anomaly lies in appreciating the nature of prevailing analyses. As is clearly illustrated in the opening remarks of this section, the confining of one analysis to the study of processes of conversion, immediately limits this analysis to the arena of culture narrowly defined. This much is clearly spelt out by Shell, who states explicitly that the process of conversion was essentially "cultural" and to understand it therefore, one needs only to examine, "...the cultural institutions and religious rites of passage which the original Cape muslims created."<sup>7</sup> Precisely this narrow conception of the process of Islamisation, leads him to conclude that the complex struggles being waged during this period are reduceable to a scenario in which, "...the Cross and the Crescent were locked in combat over conversion." <sup>8</sup>

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<sup>6</sup> Cuthbertson, G. "The Impact of the Emancipation of the slaves on St. Andrews Scottish Church, Cape Town, 1838-1878" in: Studies in the History of Cape Town, III (1984), p.50

<sup>7</sup> Shell, "From rites to Rebellion..." p 1.

<sup>8</sup> Ibid. p.4

Quite clearly this approach fails in a number of respects: Putting aside for the moment the crucial point that it tends to conceive of the process of Islamisation in far too narrow terms, it fails to explain the important empirical fact that it was not the Church that first recognised and voiced concern about the "dangers" of the spread of Islam, but officials located within the Colonial state. Indeed one tends to develop the distinct impression from the evidence available, that missionaries tended to ignore not only the development of Islam in Cape Town, but the plight of the under classes as a whole in the town until the 1840s. In contrast to this, evidence exists that shows the on-going concern of colonial officials, both at the Cape and in Britain, for the steady spread of Islam. While colonial officials may have expressed their concern in apparently philanthropic terms, there is clearly a sense in which the more mundane concerns of hegemony and power come through.

To insist, as does Davids, that the development of institutional structures within the muslim community is also a cultural, or more specifically a "religious", process is to make the same mistake: "Political organisation was never the priority concern of the Cape muslim community," argues Davids.<sup>9</sup> On the contrary, he continues,<sup>10</sup>

Since their arrival in Cape Town, their primary concern was their religion. They were too busy establishing and

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<sup>9</sup> Davids, A. "Politics and the Muslims of Cape Town: A Historical Survey" in, Studies in the History of Cape Town. IV (1984), p 174.

<sup>10</sup> Ibid. p.174

later consolidating it, to pay attention to politics. Politics was the concern of the white man. His rule no matter how unjust, was complacently accepted. This earned for the community great praise from the various ruling authorities at the Cape.

The proliferation of institutional structures, that begins at the end of the eighteenth century, is thus for Davids, a largely religious affair. The building of mosques, the establishment of schools, and the creation of what Davids calls a socio-religious hierarchy<sup>11</sup>, in no way impinged upon the prevailing structure of social relations. On the contrary, Davids argues that these developments occurred precisely because space was allowed for them by the powers that be, the key element of this process being the provision of freedom of religion in 1804.<sup>12</sup> The overall impression generated by this approach is that of an isolated community, politically timid and impotent.<sup>13</sup>

As was the case with Shell's approach, Davids' analysis leaves unanswered the central question of why it is that the muslim community in Cape Town was the target of an on-going programme of harassment and repression. Indeed Davids seems content to dismiss this issue by arguing that such harassment and repression as did

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<sup>11</sup> Davids, A. "The revolt of the Malays: A study of the reactions of the Cape Muslims to the smallpox epidemics of nineteenth century Cape Town." in, Studies in the History of Cape Town, V, (1984), p.60

<sup>12</sup> Davids, A. "My religion is superior to the Law: The survival of Islam at the Cape of Good Hope" in, Kronos, XII (1987), p.61.

<sup>13</sup> Davids, "The Revolt of the Malays...", p.61.



exist was the consequence of irrational racial prejudice, and certainly was not condoned by the "various ruling authorities at the Cape".<sup>14</sup> On the contrary, as is noted above, "great praise" from these various authorities was showered on this community!<sup>15</sup> That it was representatives of these self-same authorities, acting often on the orders of their superiors, who were responsible for this harassment and repression is disregarded as irrelevant.

The problems with the analyses examined thus far do not end here. Indeed the sorts of issues highlighted above are themselves derived from the narrow conception of their subject of study, viz. Islam and the muslim community. Davids, for example, is able to note that the "primary concern" of the muslim community was their "religion". They were after all,<sup>16</sup>

...committed muslims, adhering strictly to their faith, totally resolved to practice their religion in ways meaningful to them, without interference from the infidel authority. They were not prepared to make their religion subservient to bad politics or social influences.

Yet having noticed this, Davids still insists that "white hegemony was their tradition in politics".<sup>17</sup> Clearly, Davids is unable

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<sup>14</sup> Davids, A. "From Complacency to Activism: The Changing Political Mood of the Cape Muslims from 1910 to 1985" Paper delivered at the fifth Workshop on the History of Cape Town, 1985. pp 1-2.

<sup>15</sup> Davids, A. "Politics and the Muslims of Cape Town: A Historical Survey" in, Studies in the History of Cape Town, IV (1984) p 174.

<sup>16</sup> Davids, "My religion is Superior...", pp58-59

<sup>17</sup> Ibid. p.58

to reconcile himself to the point that the particular practice of Islam as evidenced within the early muslim community in Cape Town, was not predicated upon a distinction between the religious and the secular. On the contrary, as is to be examined during the course of this chapter, their understanding of Islam was dominated by traditional perceptions in which such distinctions had no place.<sup>18</sup>

Shell's analysis of the process of conversion, and his insistence upon conceiving of this process as essentially a struggle between the "Cross and the Crescent", is similarly based upon the teleological superimposing of twentieth century notions of religion on a nineteenth century environment. By conceiving of the process Islamisation in the terms in which it is likely the muslims in Cape Town during the period of this study also perceived it, significantly different insights into the nature of the process of Islamisation can be gleaned; and it is to this that I now turn.

Coming in from the cold: Tuan Guru (RA) and the beginnings of the institutionalisation of Islam at the Cape.

As was explored in some depth in the previous chapter, the dominant form of social relation evidenced within the muslim community during the eighteenth century, was that between the shaykh and his murid.

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Within Islam no distinction is drawn between matters secular and religious. The legal code of shari'ah encompasses as broad a corpus of jurisprudence as any other legal code with one important distinction: Its ultimate source of legitimacy stems from the application of the Qur'an and the traditions of the Prophet of Islam (SAW). See Bradlow op. cit. pp 43-46 for a more detailed analysis.

Essentially this relationship was an expression of the mystical form of Islam manifest during this period, a form that encouraged a loosely structured series of communities to develop within the town and its environs. Significantly also, the prevailing hostile environment forced these communities to practise their faith in secret. initially this was done by gathering on the slopes of Table Mountain, or in the various forests beneath it. In response, however, to the steady growth in numbers, the declining effectiveness of the colonial state and the fact of increased social space, these gatherings began to occur in the town itself.

As was noted earlier, evidence exists that demonstrates precisely this.<sup>19</sup> That forms of practice were manifest within the town itself by as early as the mid-1770s, however, does not necessarily mean that any qualitative changes in the nature of these practices had occurred. On the contrary, it would appear that merely the locus of practice had changed.

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<sup>19</sup> see Thunburg, C.P. Travels in Europe, Africa and Asia. Performed between the years 1770-1779. London (1794) pp 132-133. Thunberg writes that, "the Javanese here celebrated their new year. For that purpose they had decorated an apartment in a house with carpets that covered the ceilings, walls and floors...Before the alter [sic] lay a cushion and on this, a large book. Several men, who were still standing or sitting near the pulpit were neatly dressed, and the men wore nightgowns of silk or cotton. Frankincense was burned. The men sat cross-legged on the floor, dispersed all over the room. Yellow wax candles were lit up. Many of the assembly had fans which they found very useful for cooling themselves in the great heat necessarily produced by the assemblage of such a great number of people in such a small place." (Emphasis mine.) It is worth noting that one could argue that the room described by Thunberg was used regularly for the purposes of worship, and was perhaps either the first Mosque or at the very least a prayer room.

The coalescence of a complex series of historical factors in the last decade of the eighteenth century, however, did initiate fundamental changes in the nature of both the practice of Islam and the structure of the muslim community. These changes stem partly from the collapse in the functioning of the apparatus of the colonial state, the widened scope for such construction that this process offered, the transition to British rule, and partly from impulses internal to the process of Islamisation itself. As regards the colonial state, it is sufficient to recap here observations made in chapter one.<sup>20</sup>

From the middle of the eighteenth century, a noticeable decline in the overall effectiveness of the colonial state was discernable, particularly in the rural areas. This process, itself a consequence of the declining global hegemony of the Dutch mercantilist empire, generated the space wherein alternative modes of social organisation could develop. The emergence of the Patriot movement in the interior of the Colony during this period, is an example of precisely this tendency. By the end of the century, Company rule "had collapsed in all but name",<sup>21</sup> which meant that the scope for such resistance had broadened significantly, a fact well indicated in the cession of the districts of Graaf-Reinet and Swellendam.<sup>22</sup>

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<sup>20</sup> See chapter one.

<sup>21</sup> see Kilpin op. cit. p 26.

<sup>22</sup> See Chapter one pp. 9-16.

Yet significantly, this scope for resistance and collective action was not confined only to the rural areas. In the penultimate year of the VOC's administration, a prominent member of Cape Town's muslim population defied longstanding Company proclamations, and established the town's first Mosque.<sup>23</sup> On the surface of things, the establishment of a mosque may not appear as an act of defiance, let alone resistance. Yet it is interesting to note that the establishment of the Awwal Mosque in Dorp Street in 1794, predates the first known attempts by members of the muslim community to petition the Colonial administration for permission to build a mosque, by at least two years!<sup>24</sup>

There is furthermore, no evidence to suggest that official permission was even sought, a point that would indicate not only an awareness of the extent of social space on the part of those who sought to exploit it, but a defiant willingness to act upon this awareness.<sup>25</sup> Thus even in Cape Town itself, important weaknesses

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<sup>23</sup> Davids, A. Mosques of the Bo-Kaap... p 93.

<sup>24</sup> Ibid. p.90

<sup>25</sup> Barrow highlights this sense of defiance when he notes that, "Malay Mahommedans, not being able to obtain permission to build a mosque, perform their public services in the stone quarry at the head of the town." See Barrow, J. Travels into the interior of South Africa. London, 1806. This was still apparently the case even as late as 1797, although it is known that by this stage Tuan Guru (RA) had already established a mosque in Dorp Street. It is likely, however, that the Dorp Street mosque was too small to accommodate the entire community, the Friday Jumu'ah prayers being performed at the quarry. Regarding the passage of the various applications for a mosque, it would appear that General Craig gave permission for a site for a mosque during the first occupation of the Cape by the British. While it appears that a mosque was not built on the spot, permission was again extended under the Batavian administration in exchange for the offering of military

in the day-to-day governing of the activities of its population, were very much in evidence.

Yet resorting to explanations of increasing social space in no way accounts for the specificity of the transformations that took place within the muslim community during this period. Indeed the very establishment of a mosque signified an important juncture in the process of transition away from the largely informal, mystical form of Islam practised at the Cape, towards a more institutionalised expression of its practice, a development that can only be understood by examining the changing pattern of Islamisation itself.<sup>26</sup>

An important qualification needs to be raised here: At no stage is it being suggested that the break with previous forms of social relations is complete. On the contrary, developments during this period signify a continuation of earlier processes, but at a different level of emphasis. It is, indeed, inconceivable to imagine such a process of institutionalisation occurring had not solid foundations been laid earlier.

Precisely these sorts of continuities find themselves condensed within the personality of Shaykh 'Abdullah ibn Qadi 'Abdus Salaam, or as he was more commonly known, Tuan Guru (RA). There is for

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service. See Lyst van alle Collegien, 1805, as well as the letter from Frans van Bengalen, Inkomende Briewe BRD 17, and BO 154, item 236.

<sup>26</sup> For more on the nature of the process of Islamisation see page 119.

example, considerable evidence that Tuan Guru (RA) was himself immersed within the mystical tradition of Islam. Citing a widely acknowledged episode in Tuan Guru's (RA) life, Du Plessis and Luckhoff point towards just such a tendency:<sup>27</sup>

...Tuan Guru happened one morning to be among the crowd in Greenmarket Square, then a vegetable market, when a European farmer arrived with a wagon-load of sacks, which he began to stack in the potato section. When Tuan Guru asked what they contained, the answer was "stones". He thereupon tapped the sacks with his staff, and when the auctioneer arrived to sell the potatoes, every sack was found to contain only stones. Only after the farmer had pleaded with him did the Tuan again tap the sacks and reconvert the stones into potatoes.

One does not have to rely, however, solely on folktales and legends to support this assertion. Tuan Guru (RA) was himself a prolific writer who not only wrote several copies of the Qur'an from memory, but also a book on jurisprudence (fiq) and law (shari'ah), all while he was a prisoner on Robben Island. Indeed it is in this latter work that conclusive evidence of Tuan Guru's mystical inclinations are offered. Interspersed with the presentation of the more mundane, temporal aspects of ritual worship, is a profound concern for the mystical dimensions of Islam. The sections dealing with dhikr and herbal and spiritual healing (hakimat) clearly demonstrate this.<sup>28</sup>

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<sup>27</sup> Du Plessis I.D. & Luckhoff C.A. The Malay Quarter and its people. (Cape Town, 1953)p.34

<sup>28</sup> This book is in the possession of the Rakiep family, although at present it is being translated by the South African Library.

At one level therefore, Tuan Guru (RA) was engrossed within the mystical traditions of Islam. Yet his writings indicate that he did not visualise the mystical practice of Islam as a separate form of activity from other dimensions of Islamic practice. Indeed the integration of mystical philosophy with the more mundane concerns of fiq and shari'ah indicate that he acknowledged the importance of temporal matters in the lives of his followers. It is, therefore, this very tendency towards a more integrated form of social practice that sets Tuan Guru (RA) apart from his contemporaries.

These sorts of concerns are vividly illustrated in his actions upon his release from Robben Island in 1793.<sup>29</sup> Indeed within a year of his release Tuan Guru (RA) had brought about a veritable revolution in the nature of social relations within the muslim community in Cape Town. Apart from having played a crucial role in the establishment of a mosque in Dorp Street, he had opened a school for the education of the children of Cape Town's under classes, established the Jumu'ah prayers at a quarry on the edge of the town, and made significant inroads towards creating the rudimentary political apparatus of an Islamic society.<sup>30</sup>

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<sup>29</sup> Tuan Guru (RA), along with three companions, was captured by the Dutch and sentenced to be imprisoned on Robben Island in 1780, for allegedly conspiring with the English. Bandietten Rollen, CJ 1843. Davids argues that Tuan Guru (RA) was of royal extraction, a prince of the Indonesian island of Tidore; yet his name would tend to indicate that he was the son, not of a king, but a Qadi. The importance of this distinction for the analysis that follows cannot be underestimated. See Davids, Mosques of the Bo-Kaap... p.98

<sup>30</sup> Within the life of a muslim community the Friday Jumu'ah prayers occupy a very special place. Of all the prayers made compulsory upon muslims, the Jumu'ah is the only prayer that must be performed in congregation. It is likewise the only prayer that



As was touched on earlier, the establishment of the Awwal mosque in Dorp Street reflected a growing spirit of self-confidence within the muslim community, a sense of self-confidence that tended to take on a subtle tone of defiance. Not only was the establishment of this mosque in flagrant violation of Company laws, but it provided the community with its first tangible point of reference within the town. Yet whatever the immediate significance of its establishment, it became clear that the Awwal mosque was more than just a place of worship. Indeed under Guru's (RA) leadership it was to become the focal point of an expansionist impulse that not only sought to regularise the practice of Islam but also to popularise its message among the inhabitants of the town.

Pivotal to this process, from Guru's (RA) perspective, was the establishment of an appropriate system of education, appropriate in the sense that it was here that the formalisation and reproduction of the ideological tenets of Islam was to occur. Thus hand in hand with the establishment of the Awwal mosque went the establishment of a school.<sup>31</sup>

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has the reading of a sermon, or khutuba, as part of its formal ritual. It is thus an important opportunity for the 'ulama to inform the community as a whole, about issues pertinent to the practice of their religion.

<sup>31</sup> See Molteno, D.F. The Schooling of Black South Africans and the 1980 Cape Town Schools Boycott: A Sociological Interpretation. M.Soc.Sci. Thesis, University of Cape Town. 1983 22-31. See Also Molteno, F. "The Historical Foundations of the schooling of Black South Africans" in, Apartheid and Education: The Education of Black South Africans, (ed) P. Kallaway (Johannesburg, 1984.).

It is difficult, however, to make any concrete assertions about the precise content of the curricula and syllabi at this school, for from the evidence that has survived one is only able to sketch the barest of outlines. It is known, for example, that the Arabic language was taught, as was the recitation of the Qur'an.<sup>32</sup>

Classes were also alleged to have been conducted in a creolised version of Dutch and Malay,<sup>33</sup> and were apparently open to all irrespective of colour or religion.<sup>34</sup>

Yet despite our limited knowledge of the precise content of the process of schooling, one cannot escape the conclusion that the school was remarkably popular amongst the slaves and free-blacks. Remarking in a letter to the Colonial Office as early as 1807, the then Governor of the Cape, the Earl of Caledon, noted with considerable concern that "Malay Priests" were able to attract some 375 students to their classes.<sup>35</sup> By the 1820s this number had risen to almost 500<sup>36</sup>. When seen in contrast to the

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 32 Horrell, M. The Education of the Coloured Community in South Africa, 1652-1970. South African Institute of Race Relations; Johannesburg (1970) p.10

33 Davids, A. "The role of Afrikaans in the history of the Cape muslim community" in: Paper prepared as a chapter in the forthcoming book, Poetik en Afrikaans. (eds) L.T. Du Plessis & H. Du Plessis. p 15.

34 Shell, op. cit. p.22

35 Letter from the Earl of Caledon to Viscount Castlereagh, dated 4 February 1808. in: Records of the Cape Colony. (hereafter, RCC) Vol. VI (1806-1809) (ed.) G. Theale, p.270

36 "Evidence of Two Mahommedan Priests", in: Papers relevant to the condition and treatment of the native inhabitants of Southern

government-sponsored schools for slaves, which had considerable trouble even raising 20 pupils, one begins to appreciate the impact of this school, and its significance in contributing towards the spread of Islam during this period.<sup>37</sup> Clearly, however, the popularity of these schools is only part of the picture. As is noted by Shell, "...the Islamic schools offered an alternative education for the many people hostile to, or suspicious of the ruling Christian order."<sup>38</sup> Thus, while by no means the first school for slaves, it was the first school to develop outside the structure of ruling class hegemony.

Another important development initiated by Tuan Guru (RA), was the establishment of the Friday (Jumu'ah) prayers.<sup>39</sup> In the life of a muslim community, the Jumu'ah, or congregational prayers held on a Friday, constitute an important focal point for the building of a sense of community.<sup>40</sup> Two unique features of this institution contribute significantly to this process: On the one hand, the Jumu'ah prayers are the only compulsory congregational prayers. The

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Africa within the Colony of the Cape of Good Hope...Part 1  
Imperial Blue Book. p.210

<sup>37</sup> Behr, op. cit., p 173.

<sup>38</sup> Shell, op. cit. p.22

<sup>39</sup> See footnote 25 for the historical details of this ceremony and footnote 30 for details regarding the nature of the Jumu'ah.

<sup>40</sup> It is interesting to note that the shift away from the single performance of the jumu'ah at the quarry to several services held in the town's mosques later in the century led to a bitter conflict within the community. See Davids, A. Mosques of the Bo-Kaap... pp 56-60.

mere gathering, therefore, of what was undoubtedly a large proportion of the muslim community, once a week in a quarry on the western side of the town, was itself a dramatic demonstration of communal solidarity.

Yet more than being merely a demonstration of ritual solidarity, the delivery of a sermon (khutba) prior to the performance of the prayers, offered the 'ulama an opportunity to build this communal unity in a dynamic fashion, as well as to popularise the message of Islam. In evidence before a Government Commission of Inquiry in the 1820s, a local Imam sketched out the manner in which these prayers were conducted:<sup>41</sup>

...[a] service is performed every Friday at the mosques from eleven o'clock until two o'clock. It consists of a reading from the koran [sic]. It is obligatory to attend but not all regularly attend the service. Many have occupations which prevent them from attendance.

If one bears in mind that during much of this period, the public practice of Islam was proscribed, one is offered another indication of the defiant posture of Guru's (RA) leadership. Once a week for over three hours, in the quarry above the town, in full view of its colonial inhabitants, the Cape Town's muslims gathered to fulfil one of their religious obligations.<sup>42</sup>

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<sup>41</sup> "Evidence of two Mahomedan Priests"... p207

<sup>42</sup> It is important to observe that at the time this quote was made the location of the Jumuah prayers had changed from the quarry to the various mosques within the town. This is no doubt due in part to the various rivalries that emerged within the community after the death of Tuan Guru (RA), and the subsequent split of the congregation. For more details on this see Davids op. cit. pp 100-106.

It was, however, Guru's (RA) initiative in helping to construct the rudimentary political apparatus of an Islamic society, epitomized in the creation of an executive cum judicial network, that the most far-reaching and radical innovations were made. Again the evidence here is sketchy, and the analyses that have been offered thus far misleading. Yet despite these problems, it is clear that Guru (RA) in the act of establishing a mosque also encouraged the creation of what at one level appeared as a religious/clerical hierarchy. This much is acknowledged by, for example, Davids.<sup>43</sup> Yet the evidence would tend to suggest that this hierarchical structure was substantially more than a merely religious body.

An inkling of this reality is offered in Imam Muding's testimony cited earlier. Making reference to the manner in which the attendance of members of the muslim community at the Jumu'ah prayers is regulated, the Imam noted that those who wished to be excused made an inquiry,<sup>44</sup>

...through the medium of the officers of the mosque, (belal) who are appointed to direct the assembly of the people and the belal is assisted by the sexton (merbout) and according to their report the priest orders them to be admonished or corrected, as the occasion may call for.

To begin with, then one's attention is drawn to three discrete levels within a hierarchy. At the centre of this structure is the

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<sup>43</sup> Ibid pp 97-102. see also Davids, A. "Politics and the Muslims..." p 183.

<sup>44</sup> "Evidence of two Mahommedan Priests..." p.207

"belal" who seemed to act as a sort of policeman. Significantly Imam Muding indicates that his enforcing activities were by no means restricted to the Jumu'ah prayers alone. Indeed it is upon the belal's recommendation that people found to be "...transgressing the law, getting drunk or committing offences," are either punished or in extreme cases "excommunicated", and forbidden to "...associate with the faithful."<sup>45</sup>

The belal, in turn, was assisted by a merbout. It is, however, far from clear what the precise nature of his functions were from the available evidence. Above the belal, and responsible for the actual imposition of punishment or admonition, was the "priest". It is clear from just this short extract that the "priest" - or more correctly Imam - was not merely a leader of prayers. In his hands existed the power to allow or refuse association with the faithful.<sup>46</sup>

The Imam was, however, by no means unrestrained in the use of his powers. At the pinnacle of this structure was the Qadi, or "chief priest", to whom other Imams had to answer to for their actions. The source of the Qadi's power, aside from his being the spiritual head of the community, lay in his jurisdiction to appoint Imams and other office bearers to their positions within this hierarchy. It is clear from the evidence given by a later Qadi, Imam Ahmad, that

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<sup>45</sup> Ibid. p.207

<sup>46</sup> Another position within this hierarchy not dealt with explicitly by Imam Ahmad is that of the Khatieb who acted as an assistant to the Imam in the performance of the actual rituals of worship.

the positions of Qadi and Imam were highly coveted, generating rivalry for those positions which in turn acted as a source of tension within the community.<sup>47</sup>

Before examining the unfolding pattern of struggles around the various positions within this hierarchy, it is necessary to clarify the particular nature of these structures. In doing so, one is able to thereby appreciate these struggles for what they were, and not what they appeared to be.

The importance of precisely these sorts of concerns is revealed in the examination of the significance of the establishment of the institution of the Qadi. While Davids attempts to reduce the significance of the role of the Qadi to the realm of a spiritual guide, the more conventional understanding defines the position of Qadi as that of a judge. Yet the significance of his role goes beyond merely the offering of judgement on civil and criminal cases, as defined by the shari'ah. Often the Qadi has been known to take an active part in executive functioning of the state in muslim societies. In this respect he has had the power to declare unlawful (haram) the actions of even the temporal rulers of that society and to call upon them to remain within the limits of the shari'ah, powers that have often led to violent confrontations between those rulers and the Qadi.<sup>48</sup> Thus while by no means excluding the

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<sup>47</sup> Ibid. p.209. See also correspondence in the South African Commercial Advertiser (hereafter S.A.C.A.), February 1836

<sup>48</sup> Amongst the most well known of examples is the conflict between Shaykh 'Uthman don Fodio and the rulers of the Hausa states

spiritual dimension of the position of the Qadi, it was an institution that simultaneously embraced judicial and executive functions.

It has been noted earlier that the claims of Tuan Guru's (RA) royal background, are indeed doubtful.<sup>49</sup> In a series of letters written to the South African Commercial Advertiser in the mid-1830s, local members of the muslim community refer to Guru (RA) as a prince from Tidore.<sup>50</sup> Yet as is indicated by his full name, it would appear that Guru (RA) was the son of a Qadi called 'Abdus Salaam. One could construe from this that Tuan Guru's (RA) father was in all likelihood, the Qadi of Tidore. The esteem with which such a person would be treated within a muslim society is perhaps the source of confusion about Guru's (RA) "royal" background.

Undoubtedly the experience Guru (RA) would have gained from his father, with respect to the administration of a judicial apparatus, played an important part in making the development of a judicial structure, a reality at the Cape. That, however, Tuan Guru (RA) possessed both the intellectual ability and experience to establish this legislative cum judicial network is by no means sufficient evidence to support the contention that such a network was in fact instituted. To do this one has to demonstrate that attempts were

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in the Savanah region of West Africa, which led to the famed jihads and the establishment of the Sokoto Khalifate. See Last, M. The Sokoto Califate, (London, 1965). See also Shaykh Abdulqadir al-Murabit Root Islamic Education, (Norwich, 1982).

<sup>49</sup> See footnote 29.

<sup>50</sup> S.A.C.A. 21 February 1836.



made to regulate the social practices and relations of the muslim community in accordance with the injunctions of the shar'iah

An instance of precisely this has already been alluded to with respect to the role of the bilal.<sup>51</sup> What needs to be stressed here, however, is that when Imam Muding noted that the bilal's functions included the reporting of persons found to be "...transgressing the law, getting drunk or committing offences," it is by no means clear what corpus of "law" he is referring to, the prevailing system of Roman-Dutch law or the shari'ah.

Precisely this sort of ambiguity, is echoed further on. Replying to a question about "...what are the principles of conduct that the priests think it their duty to inculcate with the people of their faith?" it was noted that,<sup>52</sup>

It is the duty of the priest to teach them to look up to God for all good and to fear Him, and that if they do wrong it will be recorded, and when they die they must answer for it and await either punishment or reward. It is inculcated to them that their duty to God consists in observing the facts prescribed by the Koran, and attending the service of the mosques, and making their wives and children conform to these rites, and offering their prayers daily to God; and their duty in the world consists in their paying respect to authority, performing the work of their employers etc...

On the face of it, the reference to "authority" here could be construed as indicating the colonial government. Davids and others, when positing their arguments about the conservative nature of the

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<sup>51</sup> See page 147.

<sup>52</sup> "Evidence of two Mahommedan Priests..", p207 (Emphasis mine.)

community, adopt just such an interpretation. Yet, in the light of the above argument, which draws one's attention to the fact that within the muslim community a rudimentary political apparatus of its own existed, it could be argued that the respect for authority which the 'ulema sought to inculcate, was a respect for its own structures! The ambiguous presentation of this arrangement could thus be seen as a deliberate attempt to deflect colonial concern, by creating the illusion of subservience.

Perhaps more significant than the obvious ambiguity present in the above remarks, is the reference to inculcating observance of the "...facts prescribed in the Koran".<sup>53</sup> Here is clear evidence that membership of the muslim community hinged around the willingness of adherents to submit themselves to the corpus of law encapsulated in the Qur'an, ie. the shari'ah. Confirming this assertion, Imam Muding draws the attention of the Commissioners of Inquiry to the fact that many of those who claim to be muslim are in fact not. "There are people," notes Imam Muding, "who are guilty of stealing and other crimes, who call themselves, and are considered Mahometans, who are either rejected by the priests, or have never been admitted in the Mosques."<sup>54</sup>

Thus if, as seems to be the case, access to membership of the community hinged around the acceptance of particular patterns of social and individual behaviour, then it would seem logical that

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<sup>53</sup> Ibid. p 207.

<sup>54</sup> Ibid. p 208.

limits to such behaviour would not only have to be set and propagated, but also enforced; and it is at this level that the institutional network established by Tuan Guru (RA) sought to operate. It has already been noted how institutions such as the schools and the Jumu'ah prayers contributed towards the general propagation and popularisation of the message of Islam. It is not inconceivable therefore that these institutions also helped to establish and propagate the limits of its practice.

As both Imams Muding and Ahmad were prepared to concede, a vital part of their activities was also to ensure that these limits were not transcended, and in cases where they were, that measures of enforcement were employed. Interestingly, however, the two members of the 'ulema contradict each other when describing the extent of their powers of enforcement. Imam Muding, for example, makes no bones about the fact that, "those who are disorderly in their conduct are sometimes adjudged to be flogged with rattens."<sup>55</sup> Should this prove to be of no avail, the incumbent would then be, "...turned out and excommunicated"! Re-entry into the community could only be attained, argued Muding, upon satisfying the lower officers in the hierarchy, viz. the merbout and belal, that they had reformed their conduct, repented and wished to return to the fold.

Imam Ahmad, however, while corroborating much of Muding's testimony, denied that he or any other member of the 'ulema used flogging as a means of punishment. "This is never done," he replied to the

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<sup>55</sup> Ibid. p 208.

Commissioners, because "we do not consider ourselves authorized to inflict any punishment but that of expulsion."<sup>56</sup> If one bears in mind Ahmad's position as Qadi, and the comments about the ambiguity of Muding's testimony made earlier, it is hardly supprising that Ahmad should seek to placate the Commissioners of Inquiry. After all Muding's comments amount to a refusal to accept not only the jurisdiction of the colonial courts over community affairs, but the very corpus of law upon which they were predicated. One could also argue that Imam Ahmad's forthright rebuttal of his colleague was an attempt to placate the commissioners, and to divert their attention away from this issue.

Whatever the case may be, elements of the ruling classes were for a long time unable to dispel the feeling they had that within the muslim community alternative judicial structures existed, structures that could, and indeed, did enforce a general pattern of practice. In the latter half of the nineteenth century, a Christian missionary entrusted with the Anglican Church's mission to the Malays, wrote in a specific treatise aimed at the muslim community: "sometimes indeed it has happened that Moslem converts to Christianity have been put out of the way secretly, and in former years secret murder has been once or twice suspected among the Malays in the Cape Colony."<sup>57</sup>

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56 Ibid. p 210.

57 Arnold, J.M. Kind Words and loving Counsel to the Malays and other Moslems, Murray & St. Leger, (Cape Town, 1879), p 13. It is interesting to note here that there are only a handful of crimes within the corpus of shari'ah that are punishable by death. Apart from the well-known examples of adultery and murder, the rejection of faith by a muslim is similarly punishable by death. Such a death sentence, however, only becomes mandatory if the accused refuses to change his mind after a period of grace.

The class character of the 'ulema: The politics of religious disputes.

Before examining the contours of state reaction to the above developments, it is necessary that one take a step back, figuratively speaking, and examine the class character of, on the one hand, this newly emergent hierarchical structure, and on the other those people who occupied it, viz. the 'ulema. By focusing on particularly the latter issue, important insights are offered that make the intensity and scope of state reaction comprehensible.

As has been outlined above, in the closing years of Company rule dramatic structural changes within the muslim community were initiated. At one level, these changes were manifest in the establishment of institutional structures such as a mosque, a school and the weekly jumu'ah prayers. At another, and arguably more significant level, these changes were expressed in the creation of a new pattern of social relations, which gradually superimposed themselves over the tariqa-based relations of shaykh and murid. At the pinnacle of this new pattern of social relations was the Qadi, who through his various representatives, attempted to reshape the general pattern of Islamic practice in accordance with the formalised precepts of the shari'ah.

This very process of transition, however, profoundly altered the nature of the relationship between those people who occupied these new structures, the 'ulama, and those over whom they were imposed. In the pre-Guru period, the relationship between a shaykh and murid

was essentially voluntary. The assumption of power to interpret and enforce a pattern of Islamic practice - the hallmark of Guru's (RA) transformations - in very literal terms, implied the creation of a new set of structures that were essentially political in nature. From the point of view of the muslim congregant, membership of the community and association with the faithful now hinged around his compulsory acceptance of the shari'ah, as interpreted and enforced by the 'ulama.

Two points arise out of this: firstly the creation of a network of political structures within the muslim community, embodying as it did its own ideological and repressive agencies, took place outside the framework of the dominant pattern of colonial social relations. In so far as these political structures came to constitute an alternative form of political organisation, existing outside the structure of ruling class hegemony, they came to pose a challenge to the prevailing configuration of social relations.

It is all very well, however, to state that the process of Islamisation initiated by Tuan Guru (RA) occurred outside the framework of ruling class hegemony, and thereby constituted some kind of threat to the prevailing structure of social relations. It is far more problematic to specify the precise nature of this challenge. After all one can determine whether the sort of developments noted above conformed to, or challenged, the prevailing sets of social relations by assessing their specific trajectory of development and then contrasting this with the trajectory of colonial social relations. In addition to this, is the point whether or not these developments were perceived of as a threat by

the ruling classes.

Evidence in this regard has already been alluded to. The establishment of the judicial cum executive apparatus of a muslim community, enforcing conformity to the precepts of the shari'ah, clearly challenged the legitimacy of parallel colonial institutions; the colonial state being the most obvious example of this. Yet as is evidenced in the tone of both Ahmad and Muding's testimony, there were clear limits as to how far they were willing to openly challenge these institutions, and indeed whether a conscious effort was even being made to undermine them.<sup>58</sup>

There were, however, instances where the challenge posed by the spread of Islam was both significant and dramatic. Importantly, this tended to occur where the expression of Islam, both at an ideological and material level, relied less on a formal institutional apparatus. The ideological tenets of Islam and particularly the ways in which these related to and articulated the predicament of the slaves in Cape Town, are poignant examples of this tendency. By examining briefly, therefore, the essential features of the ideological posture of the 'ulama, and the implications this tended to have, for the spread of Islam, one is able to understand the sorts of concerns that underscored the almost pathological distrust of Islam voiced by elements of the ruling

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<sup>58</sup> The attempt by Ahmad to deny the flogging of people illustrates a lack of open defiance. Yet more significant than even this, is the general lacking of any evidence that points to the comprehensive implementation of the shari'ah and more significantly the hadd, or the respective punishments demanded by the shari'ah for specified crimes.

classes.<sup>59</sup>

Again one is forced to rely heavily on the evidence of Imams Muding and Ahmad, who were both questioned at some length on the issue of slavery, and their community's perception of it. To begin with, Muding points out that both slaves and freemen, "...all partake indiscriminately," in religious services.<sup>60</sup> It would appear that his answer surprised the commissioners who then asked if there was any noticeable difference between the conduct of muslim slaves and free persons, to which Muding responded with the following apparently indignant reply.<sup>61</sup>

I have not observed any distinction of that sort, and we are not accoustomed to make any. They are considered alike by us, whether slaves or free: Many of the slaves are quite well conducted, and as attentive to their religious duties as the freemen.<sup>62</sup>

These comments are hardly surprising if one bears in mind that Muding himself was a freed slave. According to his own testimony, he had been bought by an elderly "Mohammedan Priest", who had then

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<sup>59</sup> One would do well to bear in mind here, the apparently contradictory perception held by members of the ruling classes regarding the nature of the "Malay", explored in chapter two. While there were positive elements to the racial stereotype, such as the "malay's" sobriety and industriousness, the perceived darker-side of his character predominated in the minds of the ruling classes.

<sup>60</sup> "Evidence of two Mahommedan Priests...", p.207

<sup>61</sup> Ibid. p.208

<sup>62</sup> As a point of contrast one would do well to bear in mind the often blatant discrimination Christian masters displayed to their slaves, the family of the Fiscaal Dennyssen, for example, allowing slaves to carry their stools to the Church, but refusing access to the slaves to the rites of worship!



raised and educated him. Upon his master's death he was manumitted and assumed his master's place as Imam.<sup>63</sup> Muding's rise from slavery to the ranks of the 'ulama is interesting if only because it demonstrates the point that within the muslim community a person's class origin seemed of little consequence to the social mobility of members of the community.

That slavery was not regarded as a sufficient criteria for discrimination, should not be taken to mean that the 'ulama were against the institution as such. On the contrary several members of the muslim community possessed slaves.<sup>64</sup> What concerned the 'ulama was the manner in which these slaves were treated; and in this respect very strict regulations governed the conduct of muslim slave-owners. As is explained at some length by Imam Ahmad:<sup>65</sup>

No Mahomedan can or ought to sell a Mahomedan as a slave. If he buys a slave from a Christian, and the slave becomes a Mahomedan, he is entitled to sit down as an equal in the family, and he cannot afterwards be sold. He is allowed to earn the means of redeeming his freedom if he chooses...There may be persons calling themselves Mahomedans who act in violation of this principal, but they are not acknowledged by us, and they forfeit their title to be considered Mahomedans if they do so.

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63 Ibid. p.207

64 Index of names of Slave proprietors at the Cape. SO 7/34. 31 December 1826. In this register for the letter "A" a total of 32 free blacks owned slaves, out of a total of 101. Among these are names that clearly show the owner was a muslim, such as Ahmad and Abdul. See SO 6/12. Jan van Boegies was amongst these, manumitting several slaves between 1800 and 1820. See Applications for the Emancipation of Slaves BO 130 and the Opgraaftrolle in 1800, BRD 29.

65 Evidence of Two Mahommedan Priests... p.210

Even the selling of a non-muslim slave against his will, was apparently regarded as a crime, punishment for which was expulsion from the muslim community.<sup>66</sup>

Yet more than just providing a set of guidelines for muslim slave-owners, as Ahmad also points out, the structures existed that could enforce conformity to them as well. Answering a question on whether any slave had ever been sold against his will, or any slave, being muslim, had been refused access to the "...equality in his (master's) family that you speak of", he replied, that he was unaware of any violations of this precept, "...no slaves having made such a complaint to me."<sup>67</sup>

Thus it would appear that the 'ulama were prepared to enforce conformity to the restrictions on the practice of slavery, and that slaves could and, in a <sup>all</sup> likelihood, did give evidence against their masters. The relatively strict regulations governing the practice of slavery within the muslim community did not, however, mean that muslim masters were never guilty of abuses. While no records of proceedings or even cases from Ahmad's "courts" are known to exist, several examples of just these sorts of abuses are known: in March

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<sup>66</sup> While tolerating the institution of slavery, Islam places strict regulations on its practice, affording the slave certain rights over his master. That its practice contrasted starkly with that of the European institution is illustrated throughout Africa, and while often abused never reached the level of barbarity that characterised the Trans-Atlantic slave trade. Indeed while central to the unfolding pattern of pre-colonial African history, slavery in the muslim parts of Africa was "the great equalizer". See Lovejoy, P. Transformations in Slavery: A History of Slavery in Africa. London, 1983. p 35.

<sup>67</sup> Ibid. p.210

1829, Morat of Bengal - a "malay" - was charged in the Police Court for "kicking and ill-using" his elderly slave La Fleur. In this case, the slave had, due to his age, been unable to bring in as much "coolie money" as he had in the past. Obviously La Fleur felt that his case was going to be better served by reporting Morat to the colonial authorities, rather than to Ahmad or any of his colleagues.<sup>68</sup>

Yet on the whole the significantly different pattern of practice on the part of the muslim community with regard to the issue of slavery, prompted several colonists to voice concern. An inspector of the Slave registry noted with concern that the promise of freedom upon the demise of the master was offered "as an inducement to those slaves who are not mahomedans (sic) to become so."<sup>69</sup>

At the heart of colonial concern was not any specific instance of their expression of the ideological tenets of Islam, but rather the apparent zeal of the 'ulama in propagating their message. Commenting on the spread of Islam among the "lower orders" within the town, a contemporary noted that,<sup>70</sup>

It is true that many of them are followers of Mahomet, and the greater part of them that are converted from Atheism or idolatry, or whatever their crude superstition may be, fall to the share of that prophet, from the superior activity, zeal and address of his priests...

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<sup>68</sup> S.A.C.A. 1 April 1829.

<sup>69</sup> "Evidence of two Mahomedan Priests..." p. 209.

<sup>70</sup> S.A.C.A., 23 December 1829.

"It is for Christians a humbling fact, " writes another, "that wherever a Mahomedan colony exists, there also exists a Mahomedan missionary establishment, and whenever you meet a musselman you meet a zealous missionary of the Koran."<sup>71</sup>

The impression established even by these few, by no means isolated, comments, is that the 'ulama took very seriously their role as proponents of the message of Islam.<sup>72</sup> Yet as is underlined by much of the above analysis, the offering of such basic human necessities as entrance to the rites of baptism, marriage and internment, were themselves symptomatic of the significantly different manner in which the 'ulama related to and articulated the predicament of the town's under classes. As is to be explored in more depth below, this was a reality that was well understood within the ranks of the ruling classes.

At one level, therefore, the process of Islamisation at the Cape, and in particular the process of state formation generated by its peculiar expression there, came to constitute a challenge to the colonial social order, a challenge that spanned a broad spectrum of

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<sup>71</sup> S.A.C.A., 9 December 1829

<sup>72</sup> A contemporary of the period was in no doubt as to one of the underlying reasons for the spread of Islam: "The spread of Mahomedanism was shown to result from the kindness with which the Mahomedan Priests treated the coloured people, contrasted with the neglect and oppression with which they were generally treated by those who profess Christianity." Backhouse, J. A Narrative of a visit to the Mauritius and South Africa, (London, 1804). p 82. Wrote Fawcett, a visiting missionary, "...if the [muslim] priests continue their labours...they will in all probability have still more success and inundate the whole town with their pernicious faith." Fawcett, J. Account of an Eighteen Months Residence at the Cape of Good Hope in 1835 and 1836, (Cape Town, 1836). p 93.

social institutions and practices. Yet the generation of alternative sets of social relations also spawned struggles for control over these structures, struggles that conformed to their own dynamic. It is these very struggles, furthermore, that illustrate the basic character of not only the sorts of developments occurring during this period, but also the people involved in them.

It has already been noted that the process of institutionalisation, did not necessarily imply the posing of a challenge to the dominant configuration of power relations. It must be noted further, that the developments highlighted above constitute only one dimension of this process. They are, however, arguably the more radical dimension of its expression. Yet as becomes clear from the examination of the struggles between, on the one hand, Tuan Guru (RA) and his followers, and on the other, Frans van Bengalen and Jan van Bougies, the institutionalisation of Islam could take on a conservative and collaborationist character.

As was noted earlier, Guru (RA) established the Awwal mosque without attempting to seek official permission. Sources indicate, however, that two years later attempts were made to gain official permission from the newly established British regime to build another mosque, permission for which was refused.<sup>73</sup> While credit for this attempt is attributed to Tuan Guru (RA),<sup>74</sup> it is highly likely that Jan van Bougies or Frans van Bengalen were responsible. Not

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<sup>73</sup> Davids, Mosques of the Bo-Kaap... p 90.

<sup>74</sup> Davids, The History of the Tanu Baru... p 45.

only does the seeking of official permission go against the whole current of Guru's (RA) politics, but it makes no sense that Guru (RA) would want to establish another mosque, when one already existed. Jan van Bougies in cooperation with Frans van Bengalen, however, appeared not to accept the de facto position of Tuan Guru (RA) as Qadi, and sought to establish their own mosque in an attempt to provide themselves with a power base to challenge Guru (RA).

Their unsuccessful first attempt did not deter them, and it was clearly the on-going attempts by Frans and Jan to establish their own mosque that led Guru (RA) to declare on his death-bed to Ahmad, his appointed successor, that, "Jan van Bougies can never take my place, as long as he lives, and whoever gives him my place must answer for it on the Day of Judgement."<sup>75</sup> After another unsuccessful attempt in 1800,<sup>76</sup> Frans van Bengalen was eventually able to negotiate permission for a site for a cemetery in 1805,<sup>77</sup> and a mosque in 1806.<sup>78</sup> It is important to note, however, that the granting of a burial site and permission to build a mosque were not acts of graciousness or even goodwill on the part of the colonial state. Indeed both were offered by the Batavian regime as a trade-off for the formation of two artillery groups manned by Javanese free blacks and slaves, one of which was to be commanded by

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<sup>75</sup> S.A.C.A. 27 February 1836

<sup>76</sup> Davids, Op. Cit. p 90.

<sup>77</sup> See the will of Jan van Boegies MOOC 7/1/53 item no. 59. See also the will of Sameeda van de Kaap MOOC 7/1/251 item no. 72.

<sup>78</sup> Ibid. p.90

Frans himself.<sup>79</sup>

It would appear that the opportunistic style of Frans and Jan's politics won them few friends within the muslim community, and that Guru (RA) was able to maintain the essential unity of the community up to the point of his death in 1807. It would appear, however, that he was under no illusions as to the fact that it was his own personality that stalled the inevitable split. As is related by Imam Ahmad,<sup>80</sup>

After the death of Emaum Prince Abdulla [sic], old Frans, the Field Priester, came to me and said that he wanted to put Jan Van Bougies in the place of the late Emaum. I told him that it was not possible, and that I could not do it. He then said he was going to leave me...Shortly afterwards old Frans and Jan van Bougies bought a house and made a church of it.

No doubt the struggle between on the one hand, Tuan Guru (RA) and on the other Frans and Jan, did have a personal dimension, yet to leave it at that would be a grave mistake. Firstly one would then be forced to ignore the very real differences in their politics, differences that were to have profound influences on the trajectory of the process of Islamisation. And secondly one would tend to lose sight of the fact that these struggles were essentially for control over the running of the community, ie. the position of Qadi.

Yet there is a sense in which the struggles fought out between Guru (RA) and Frans went beyond even these concerns. Up until this

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<sup>79</sup> Cape Argus, 1 October 1885.

<sup>80</sup> S.A.C.A., 27 February 1836

point, it has been assumed that the transition from tariqa-based forms of organisation to the more formalised arrangements initiated by Guru (RA), were easily made. While it is difficult to ascertain how smooth this process was, it is difficult to imagine that there were no problems at all. It has already been stated that Guru (RA) was himself deeply immersed within the mystical traditions of Islam. No doubt his status as a shaykh of tassawwuf would have made it possible for him to negotiate such a transition with the other heads of tariqas in the town. Yet there is a sense in which such a transition would tend to undermine the authority of other shaykhs, thereby creating the possibility of tension and conflict.

Precisely this sort of problem is indicated in another of Imam Ahmad's comments about the struggle between Guru (RA) and Frans. Ahmad writes that after Frans and Jan had established another mosque, they were able to co-opt one 'Abdul Hamiet as Imam.

"Scarcely a year afterwards," he continues, "Abdolgamiyet [sic] came back to my Church, because he was not treated well. He brought his students to me."<sup>81</sup> It is possible, that the students referred to here, were 'Abdul Hamid's murids, and that 'Abdul Hamid's brief defection from the Awwal mosque was generated by dissatisfaction with the manner in which the authority of shaykhs was being undermined.

It is unfortunate that more detailed accounts of these struggles have not survived, for they would help to answer many of the

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81 S.A.C.A. 27 February 1836



questions raised by the sort of analysis employed here. While, for example, evidence exists that suggests that Guru (RA) was not prepared to collaborate with the various colonial regimes, it is far from clear whether this apparently non-collaborationist stance was a conscious manifestation of anti-colonial sentiments. What is clear is that even this vague sense of non-collaboration evident in Guru's (RA) approach, contrasted starkly with the blatant and opportunist collaboration of Frans and Jan.

Another important question, begged by the above analysis, is was there any material basis to these struggles? For after all what material benefit was to be gained by establishing another mosque? With regard to these sorts of questions, one is in a slightly more favourable position. One can, for example, discard the notion that material benefit, in terms of wealth, played even a minor role. In evidence before the previously cited Commission of Inquiry, Imam Muding declared emphatically that no member of the 'ulama received any remuneration for their work, their respective trades being responsible for providing them with sustenance.<sup>82</sup> Imam Ahmad was, for example, a fishmonger while his colleague, Imam Muding, was a shoe-maker.<sup>83</sup> It is also known that Tuan Guru (RA) himself died penniless.<sup>84</sup>

If material benefit was not a reason, it goes without saying that

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<sup>82</sup> "Evidence of two Mahommedan Priests"..., p 207.

<sup>83</sup> Ibid. p 208, and p 209.

<sup>84</sup> Davids Op. Cit. pp 100-102.

aspiring to positions within this hierarchy hardly enhanced one's position at a material level. Yet the evidence tends to suggest that despite the fact that positions within this hierarchy did not afford incumbents with opportunities for the accumulation of wealth, intense and often bitter struggles were waged for control of them. Perhaps the most illuminating example of such struggles was manifest between Imam Ahmad, Tuan Guru's (RA) appointed successor, and Guru's own sons, 'Abdul Rauf and 'Abdul Rakiep. So intense and bitter was this particular struggle, that it led to a splitting up of Ahmad's family.

Since Guru's (RA) death, Ahmad had been responsible for not only the education of Guru's two children, but also their general welfare. Then, in the late 1830s, Guru's two sons as well as Ahmad's own children ceded from the Awwal mosque and established the Mohammedan Shafee congregation, with its own mosque less than one hundred metres from the mosque in Dorp street.<sup>85</sup> While Davids goes into considerable detail about the specifics of this and other struggles, he remains unable to answer the central question of why cession became necessary, and indeed the norm when the issue of succession emerged.<sup>86</sup>

At the heart of these struggles seemed to be the issue of the power and status that was attached to the various positions within the hierarchy. In Tuan Guru's son's case, they obviously were not

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<sup>85</sup> See the will of Imam Abdulla and Keijda van de Kaap MOOC 7/1/53 item no. 66, registered 2 May 1807.

<sup>86</sup> Davids, op. cit. pp 100-106.

prepared to wait for the death of Imam Ahmad to assume the position they felt was theirs by birth-right. Thus in their particular case, the desire to turn the position of Qadi into the prerogative of a family dynasty played no small part.

Ultimately, however, these struggles, particularly during the period of Guru's (RA) leadership, illustrated different approaches to the manner in which the spread of Islam was to be fostered. These struggles, thus, far from encouraging growth and development,<sup>87</sup> served to undermine the very basis upon which the process of Islamisation was predicated, ie. the establishment of a political nexus that sought to regulate and control this process. The deleterious and divisive aspects of this struggle were only to manifest themselves openly in the late-1830s and '40s, a point at which they were manipulated with devastating effect by the ruling classes. Prior to this, ruling class strategy foundered upon a series of haphazard and ill-conceived policies that ironically did more to encourage the spread of Islam, than stem its tide.

#### Responding to the Challenges: Reform and Reconstruction.

Religion being the natural propensity in man, it has been found that debarred access to the Christian temples, the Slaves have in great numbers embraced the Mahommedan faith, and it is worth serious reflection of the slave proprietor that one of the leading sentiments inculcated by the faith is a detestation of all such as adhere to Christian tenets, and...it is highly dangerous to himself that he should foster such enemies as it

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87 Ibid. pp 49-51.

were within his own bosom...<sup>88</sup>

From the point of view of the colonial state, and indeed the ruling classes as a whole, the successful establishment of what could be construed as the embryonic form of an Islamic community within Cape Town, during the final years of the eighteenth century, signified a dramatic breach in the structure of ruling class hegemony. Tuan Guru (RA) had successfully seized the initiative, and established within the prevailing social space a network of social structures and relations, that existed outside, and operated independently of, the dominant patterns of colonial rule.

To their credit it would appear that Tuan Guru (RA) and his successors were able to shield many of these developments from the prying eyes of their colonial overlords, until at least the 1820s. It is only during this period that colonial officials and other members of the ruling classes, became aware of the dramatic process of growth occurring within the muslim community. As such it is only during this period that clearly articulated policies and strategies are formulated and put into effect.

One might only be able to say that a coherent programme of state action aimed at blunting the thrust of the process of Islamisation began to take shape in the 1820s. But it would be absurd to claim that there was no awareness, on the part of either the state or the ruling classes as a whole, of the existence of a muslim community in

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<sup>88</sup> Letter from Lt.-Col. Bird to the Rev. Hough, dated 9 Sept. 1817, in: RCC, Vol.XI, p 387.

the town prior to this. But before the 1820s, the muslim community was not a major source of concern, a state of affairs that was derived from the ruling classes inability to grasp the nature of changes within the community, that had occurred and were continuing to occur, during the first years of the nineteenth century.

In this respect the traditional Company policies of harassment and repression continued to epitomize the approach of the state to phenomena it was both unwilling and unable to understand. An indication that the state was, however, aware of a growing sense of self-confidence and assertiveness within particularly the ranks of the free black population, is evidenced in the imposition of a new set of regulations over that community in the mid-1790s. While ostensibly delegating fire duty, these regulations served to severely restrict the rights and mobility of the free black community.

As is indicated by the initial instructions issued by the VOC, not only was fire duty a life long obligation, it was accompanied by severe penalties in the event of failure to report.<sup>89</sup> Added to this was the imposition of pass laws that attempted to restrict the mobility of free blacks outside the town.<sup>90</sup>

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<sup>89</sup> Instructions for the Commissionaries of the Court of Justice at the Cape of Good Hope, 13 July 1792, contained in a letter from Lord Charles Somerset to the Commissioners of Inquiry, dated 2 Sept. 1823. in: RCC, Vol. XVI, p.247

<sup>90</sup> Report to the Commissioners of Inquiry Upon the Police. at the Cape of Good Hope, in: RCC, Vol. XXXV, pp.146-147. It would appear that the extension of the pass laws over the free black community marks the first time that this sort of restriction was

The imposition of fire duty upon the free black population, while undeniably a further instance of repression, hardly seems to be aimed at muslims per se. Yet certain more subtle considerations lead one to reconsider this initial formulation. To begin with it is by no means clear why fire duty became the exclusive preserve of the free black population. This much is spelt out in a government commission of inquiry:<sup>91</sup>

The restraint upon the personal freedom of the malays and Mahommedans...being founded upon the customary demand for their services and attendance in Cape Town in case of fire, and depending we believe upon that alone, ought naturally to cease if it shall appear (as it certainly does to our judgement) that whatever the original reason may have been for imposing such an exclusive obligation upon this class of inhabitants for the protection and benefit of others, the circumstances of their present situation are such as to entitle them immediate relief from it.

It is interesting to note that this commission of inquiry remains unconvinced that the possibility of fire alone underpinned the imposition of these regulations. By examining the effects of these regulations, rather than their stated objectives, one can begin to glean the sorts of issues involved in their formulation.

To begin with, it is hard to believe that it was a coincidence that amongst those most severely effected by the restrictions were the so called "Malays and Mahommedans". That, furthermore, the restrictions on movement severely hampered the ability of free

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imposed upon "free" inhabitants within the colony.

<sup>91</sup> Ibid. p 151.

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imposed upon "free" inhabitants within the colony.

<sup>91</sup> Ibid. p.151

blacks to establish themselves outside Cape Town. It was significant because it was at the time these regulations were being formulated that one picks up the first signs of the presence of Islam outside Cape Town. Perhaps, in part, then, the imposition of these regulations was to check the mobility of free blacks, and thereby stem the slow penetration of Islam into the interior.<sup>92</sup>

Another important aspect of these regulations was that they allowed the arms of the local state, the Burgher Senate and the Courts of Justice yet further powers to observe and control the activities of the free blacks. Not only were local officials empowered to make lists of the free black population, but they were also allowed to call regular fire drills. Failure to attend could be punished with a lashing or a prison sentence.<sup>93</sup>

It must be stressed that these regulations were but only one specific variety of restriction to which the free black and muslim community were subject. In a series of correspondence to the South African Commercial Advertiser during the period of the promulgation of Ordinance 50 in 1828, the intense repression and harassment to which this community was subject was highlighted. Describing the ordinance as the "Magna Charta of the Hottentots", a "colonist"

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<sup>92</sup> In explaining why it was that Islam never appeared to make any significant inroads into the interior of the colony, one would do well to bear in mind the operation of factors such as the regulations alluded to here. Not only were considerable sums of money charged for these passes, but by all accounts, it appears that they were not easily obtained. See Ibid. p 147.

<sup>93</sup> Instructions for... the Courts of Justice...Op. Cit. p 241.



laments about the situation prior to its promulgation. Of the "Malays" he notes with despair that,<sup>94</sup>

their marriages are declared unlawful, and their issue degraded - they are refused admission to the rights of burghership - they could not hold landed property, nor remain in the colony although born there, without special permission and ample security - they were placed under the arbitrary control of the Burgher Senate and Landdrosts - compelled to perform public services even gratuitously - punished at discretion with stripes and imprisonment - unable to leave their homes without a pass - their houses entered and searched at pleasure by the police - they were liable to arrest without a warrant - and yet they were taxed up to their lips like the other free inhabitants!

It is difficult to pin-point the specific instances that prompted the emergence of such practices or the role of such repressive agencies as the police in them. Another Commission of Inquiry, however, suggests that,<sup>95</sup>

it is possible that in the earlier periods of the colony, the coloured and Mahommedan classes of the population comprised several persons whose characters may have rendered them subjects of peculiar restraint and vigilance, and we have observed, that at the present moment the class of Mahommedan free blacks is always regarded as affording encouragement to the vices and crimes of slaves.

The notion that free blacks within the muslim community were responsible for not only encouraging, but also masterminding, criminal activities against the colonial inhabitants of the town, is a common theme in early nineteenth century writings. In his account of the colony in the early 1820s, for example, the then Colonial

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<sup>94</sup> S.A.C.A., 27 December 1828.

<sup>95</sup> Report of the Commissioners of Inquiry...Upon Criminal Law and jurisprudence, dated 18 August 1827. in: RCC, Vol.XXXIII, p 89.

Secretary, W.W.Bird, wrote of the "malays" that, "the majority of them keep small subterranean stores throughout the town, in which iniquity, in all its shapes, is hatched into action."<sup>96</sup>

The issue raised by this commonly held perception is whether it had any basis in reality. During the period 1814 to 1825, a crucial period in the formulation of these claims, one is confronted with suprising statistics that tend to indicate that far from being a source of instability and "iniquity", free blacks tended to be exceptionally law-abiding.<sup>97</sup> Out of a total of 78 murders committed in the town during this period, only three were committed by free blacks. This compares rather favourably with the 13 Europeans convicted of this crime. Even in the areas of theft, assault and robbery, the convictions made against free blacks were almost half those gained against Europeans.<sup>98</sup> The only "crime" in which free blacks outnumbered Europeans in convictions, was that of resisting arrest, which given the fact that free blacks were far more likely to be harassed by police officers made it all the more likely.<sup>99</sup> Significantly no free blacks were convicted for the harbouring of convicts or slaves.<sup>100</sup>

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<sup>96</sup> Bird, W.W. State of the Cape of Good Hope in 1822. (ed) H.T. Colebrooke, London (1823) p 73.

<sup>97</sup> See Report on ...Criminal Law..., Op. Cit. p 327-328. Enclosure 19 containing statistics, "...of crimes of which individuals have been convicted by the Courts of Justice in Cape Town." 1814-1825 inclusive.

<sup>98</sup> Ibid. p 328.

<sup>99</sup> Ibid. p 327.

<sup>100</sup> Ibid. p 327.

All this tends to cast considerable doubt on the fact that the prevailing perceptions about the free black community were based on empirically verifiable evidence. Yet despite the mythological nature of these perceptions, one is still faced with the problem of attempting to understand not only their emergence but how it was they were able to gain such popular currency. Unfortunately answering this is far more problematic. One can only assume that the suspicion with which the European colonists viewed the free blacks stemmed, in part, from their distrust and anxiety about what they did not know, ie. the process of Islamisation occurring within the ranks of the free black and slave community, and in part the profoundly racist disposition of the ruling classes. That it was believed that "Mahommedan Priests" were often involved in the plotting of crimes, and their cover-up, would tend to verify this line of argument.<sup>101</sup> This sense of anxiety and suspicion is captured in one of the many reports cited thus far:<sup>102</sup>

The connection between the malays and free blacks professing the Mahommedan religion, and the slaves to whom must also be added a large portion of Prize Negroes whose terms of apprenticeship have expired, is the cause assigned for the jealousy and suspicion with which the movements and associations of these classes are regarded, and it also accounts for that marked distinction observed in the exposure of the houses and persons of these classes to the entry and arrest, and the scrupulous protection of those of the Free Burghers.

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101 Letter from Maj.-Gen. Bourke to Earl Bathurst, dated 18 July 1826, Containing several enclosures on the amelioration of slavery, in, RCC, Vol. XXVII, p 99.

102 Report...on the Police, Op. Cit. p 138.

The frankness with which the various reports highlight the excesses of the various apparatuses involved in the maintenance of "law and order", is startling to say the least. Yet coming in the 1820s, when the extent of the process of Islamisation was becoming manifest, they are understandable. From the point of view of the ruling classes, a noticeably growing muslim community was evidence enough that decades of repression and harassment had done little to check, let alone reverse, the process. Indeed it would appear that such practices had encouraged, rather than undermined, their development. Frank and critical analysis of contemporary strategy was deemed necessary, in order to rectify the situation.

Before embarking upon the analysis of these changes in ruling class policy and strategy, it is necessary to dispel a myth that still tends to pervade contemporary analyses of the period. As was noted at the outset of this chapter, it has been argued by some analysts that from 1804, freedom of religion existed in the colony. The harassment and repression to which the muslim community was subject, far from being elements of official policy, instead are explicable as examples of mere racial prejudice.<sup>103</sup> It would appear from the evidence, however, that the idea that freedom of religion was established in 1804 is hopelessly inaccurate.

To begin with De Mist's regulation "regarding the Church and freedom of religion," far from putting all religions on an equal footing, only goes so far as to establish "equal protection of the law", for

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103     Davids, "Politics and the Muslims of Cape Town..." p 175.

the rival denominations within Christianity.<sup>104</sup> Here an explicit emphasis on the fact that such freedoms were extended to "tolerated religious sects" and the implicit assumption that only Christianity is a "true" religion needs to be emphasised.<sup>105</sup> As was pointed out in the late-1820s, "the public worship of Mahomedans, although it was tolerated, no proclamation or law...was ever issued in the colony, by which it was ever sanctioned or recognised."<sup>106</sup> While Theal argues that De Mist's regulations do in fact provide for, "freedom of public worship in Cape Town" for Jews and muslims, it should be borne in mind that no legislation appears to have been instituted abrogating the relevant sections of the Statutes of India that proscribed the public practice of Islam.<sup>107</sup>

Thus, well into the third decade of the nineteenth century, one still finds Islam being practised in defiance of the law. Despite this and other restrictions already alluded to, it continued to thrive in Cape Town, as it grew both numerically and organisationally. In response to these developments, a new approach to state policy was formulated in an explicit effort to blunt the thrust of the process of Islamisation. In this regard one basic objective underscored this approach: to bring pressure to bear upon the muslims within the town to denounce their religion, and adopt

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<sup>104</sup> Commissionart De Mist's regulations regarding the Church and Freedom of Religion, dated 25 July 1804, in: RCC, Vol. XIX, p.222

<sup>105</sup> An interesting sequel to this was the Dutch Reformed Church's statement made during its annual synod in November 1986, that it still considered Islam to be a false religion!

<sup>106</sup> S.A.C.A. 27 December 1828

<sup>107</sup> Digest of records of the Cape Colony from 1795 to 1806, in, RCC, Vol. V, p 120.

Christianity.

This sort of formulation of the objectives of ruling class strategy should not blind one to the fact that, while religious motivations may have been present (and undoubtedly they were) they were enmeshed within a series of more complex concerns. Foremost in this regard was the political threat posed by Islam, a point well put by William Colebrooke:<sup>108</sup>

Considered with reference solely to temporal views, the prevalence of Muhammedenism among the slaves of Christian masters must be deemed a political evil. The difference of colour furnishes already but too broad a line of distinction. Add the difference of religion, and the line of demarcation becomes yet wider and deeper. A hostile feeling, nursed by religious animosity may excite the slave against his master; and the colonist of South Africa may 'ere long, find himself ...surrounded by domestic foes.

Clearly the experiences of the British in India, and their struggles against muslim rulers in the Bengal region, informed their perceptions about the potential danger of Islam in the colony.<sup>109</sup> Thus the desire of the colonial state, to encourage the spread of Christianity was largely motivated by political concerns, concerns that sprung from the priorities of the hegemony of western Christian Civilisation.

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<sup>108</sup> Bird, Op.Cit. p.349

<sup>109</sup> For an account of the struggles between the British and the Muslim kingdoms in India see, Nadvi, S.H.H. Islamic resurgent movements in the Indo-Pak Sub-continent: A Critical analysis of the 18th and 19th Centuries, Durban (1987), pp.38-49

In this regard three more or less discrete strands of policy can be distinguished. At one level, the colonial state did everything in its power to remove any legislative barriers that were perceived to restrict the spread of Christianity. Then at another level, the state sought to stamp its hegemony over the process of schooling, and in so doing, establish an educational environment conducive to the spread of Christianity. Finally, facilities and encouragement were offered to missionary institutions to establish themselves in the town. While it must be stressed that all three levels of activity operated in an interrelated and integrated fashion, in so far as each had a particular focus, it is suggested that one can for the purposes of analysis, distinguish between them.

In the previous chapter, reference was made to a series of VOC regulations that, while intending to promote the spread of Christianity among slaves, had in fact had the opposite effect. The regulations banning the re-sale of baptized slaves were held responsible for the unwillingness of slave-owners to educate their slaves in the Christian religion, although legislation had all but made such education compulsory.<sup>110</sup> Perturbed by this situation, the Governor at the Cape in 1812 instituted an official inquiry into how Christianity might be spread more effectively in Cape Town. Explaining the terms of reference of the inquiry to the Chief Justice, Van Ryneveld, Cradock wrote:<sup>111</sup>

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<sup>110</sup> See chapter 2, pp 17-19.

<sup>111</sup> Letter from Sir John Cradock to Chief Justice Van Ryneveld, dated 30 May 1812, in, RCC, Vol. VII p 431,

All our united endeavours to extend Christianity and Education can have but a limited effect while some part of the ancient Dutch regulations subsist, which effect the complete property of the Master in his slave if he becomes Christian. It seems therefore necessary to dwell upon the case...(for)...if this law is to be suffered to remain in force the doors of our Churches will always remain closed against the slaves, and those only of the Mahommedans or other persuasions lie open.

So concerned was Cradock that he even mooted the idea of ending slavery as a means to encourage the spread of Christianity.<sup>112</sup>

For his part the newly appointed Chief Justice, Truter, did not believe such drastic measures were necessary. He argued that by merely abrogating the legislation, the opposition of masters would be ended and the spread of Christianity "greatly encouraged".<sup>113</sup> Truter sought to impress upon Cradock that the masters needed to be educated, that it was in their own as well as the government's interest to foster Christianity among the slaves, in order that they "...become faithful slaves".<sup>114</sup>

In accordance with Truter's recommendations, on the 9 October 1812, Cradock issued a proclamation officially abrogating the relevant articles of the Statutes of India.<sup>115</sup> Commenting on the

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<sup>112</sup> Ibid. p.431

<sup>113</sup> Letter from Chief Justice Truter to Sir John Cradock, dated 17 Sept. 1812, in: RCC, Vol. VII, p.490

<sup>114</sup> Ibid. p.489

<sup>115</sup> Proclamation, dated 9 Oct. 1812, in: RCC, Vol. VIII, p.500



legislation, the Fiscaal Dennyssen, expressed what must have been a general sense of expectation on the part of colonial officials:

"The liberty of selling slaves who have embraced the Christian religion being allowed to all proprietors of slaves here, it will probably soon be seen that many will be baptized and confirmed in the Christian faith."<sup>116</sup>

The state even went so far as to legalize marriages between slaves, and offer them baptism and internment rites.<sup>117</sup> Yet by all accounts it would appear that the measures were of little consequence. A decade after these restrictions had been stricken from the statute books, colonial officials still complained that the perception that baptized slaves could not be re-sold, was still evident among the slave-owners of the town,<sup>118</sup> although admittedly on the decline.<sup>119</sup> Official disquiet about the effectiveness of these measures even reached Britain. There, in debates in parliament, concern was expressed about the spread of Islam was voiced. "It is alleged, " remarked the renowned emancipationist William Wilberforce in 1822, "that the Mahomedan religion is preferred, for slaves and Hottentots, to Christianity, because it

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<sup>116</sup> Letter from Fiscaal Denyssen, to Lt-Col. Foster, dated 30 Sept. 1812, in: RCC, Vol. VIII, p.498.

<sup>117</sup> Ibid. p.498

<sup>118</sup> Bird. Op. Cit. p.349 Commenting on the spread of Islam in the 1820s, Colebrooke wrote, "one cause of this perversion is asserted to be the marked disinclination of slave owners to allow their slaves to be baptized; arising from some erroneous notions or overcharged apprehensions of the rights which the baptized slave acquires."

<sup>119</sup> Ibid. p.349

gives a security against their drunkenness, and also it tends to prevent the female slave from being inseparably bound to her husband, as she would by the Christian rule of wedlock."<sup>120</sup>

Noting this perturbing development, Wilberforce proposed, "that we consider the communication of Christian instruction to the slaves and Hottentots, is a paramount act of duty, and the more necessary because the efforts have been made, not without success to propagate amongst them the tenets and practices of Mahommdanism."<sup>121</sup> Yet concern about the lack of educational opportunities for slaves, and the role that such schooling could play in the fostering of Christianity, had long been understood. In the first decade of the nineteenth century, the Earl of Caledon had written to the War Office suggesting steps be taken to counter religious "decadence" in the colony, and in particular the prevalence of Islam there:<sup>122</sup>

Anxious to undermine such a doctrine [ie. Islam] and to afford these unfortunate people the consideration of a purer religion, and judging that it cannot be done so effectively as by the propagation of Christian knowledge, I have empowered the clergymen of the Dutch Reformed...and Lutheran Church each to appoint an instructor under him for the duty of promulgating the Gospel to the slaves belonging to the members of their respective congregations.

As is noted by Behr, these initial attempts at setting up schools

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<sup>120</sup> "Slavery at the Cape of Good Hope" from Hansard Parliamentary debates, in: RCC, Vol. XIV, p.477

<sup>121</sup> Ibid. p.480

<sup>122</sup> Letter from Caledon to Castlereagh..., in: RCC, Vol. VI, p.271

for the slaves met with little success.<sup>123</sup> It was only in the second decade of the nineteenth century, that steps were taken to establish the beginnings of a modern state-sponsored system of schooling. Indeed at the same time as Cradock was repealing the various Company regulations mentioned earlier, he had also initiated steps for the establishment of an English medium school for slaves.<sup>124</sup> As was noted earlier, however, it does not appear that these schools were at all successful, slaves expressing their resistance to them by simply staying away.<sup>125</sup> As late as 1823 only 17 slave children attended the government school, and a year later this number had dropped to 15!<sup>126</sup>

Frustration over the apparent ineffectiveness of the government sponsored programme of educational development prompted some extremely contentious correspondence between various members of the colonial establishment. Rejecting the application of force to "encourage" conversion, the Colonial Secretary, in correspondence

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<sup>123</sup> Behr, A.L. Three Centuries of Coloured Education: Historical and Comparative Studies of the Education of the coloured People in the Cape and Transvaal, 1652-1952. PhD Thesis. University of Potchefstroom, (1952). See also Report of the Schools Commission to Governor Caledon, dated 11th January 1809. CO.45

<sup>124</sup> Behr, Op. Cit. p.159.

<sup>125</sup> While suggesting that resistance to colonial schools may have been one of the major factors prompting such a low attendance, one must concede that other influences may also have contributed to the low attendances at the various schools. See Molteno, F. op. cit. pp 52-57.

<sup>126</sup> Report on the state and progress of Government schools in 1824. CO. 390

with the Rev. Hough, argued that the key to a successful strategy was education: "The laws of the Colony as they now stand, are obligatory on the proprietors of slaves to give them instruction in the Christian religion and there is a heavy penalty on such as permit their slaves to embrace the Mahommedan faith." While lamenting about the fact that the latter regulations were not more strictly enforced, he proposed that pressure should be brought to bear upon the colonial government to ensure that "the education of slave children...in the Christian religion" be enforced.<sup>127</sup>

By the early 1820s, the notion of compulsory Christian education had been widely discussed and on the whole accepted by officials in the colonial establishment. The Secretary of State for the Colonies had even gone so far as to suggest to the Governor at the Cape, Lord Somerset, that muslim slaves and freemen be compelled to send their children to Christian schools.<sup>128</sup> Somerset realised, however, that such a policy would be fraught with dangers. As he, himself noted in a despatch to London,<sup>129</sup>

the making it compulsory only as regards the slave children of Christian proprietors will I believe be found consistent with every principal of the British Constitution. There are a few Mahommedan slave proprietors here, their slaves are also Mahommedan, and it may perhaps occur to your Lordship upon further consideration, that it would be a stretch of power and assume a character of Despotism, not recognised by any

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<sup>127</sup> Letter from Bird to Hough..., in: RCC, Vol. XI, p 376.

<sup>128</sup> Letter from Earl Bathurst to Lord Charles Somerset, dated 10 August 1823, in, RCC, XVI, p 181.

<sup>129</sup> Letter from Lord Charles Somerset to Earl Bathurst, dated 1 Feb. 1824, in, RCC, Vol. XVII, p 42.

British Law, to compel the children of Mahommedans to become Christians, and the attempt may lead to serious Commotion. The advantages that are offered by the establishment of schools are great, and every fair inducement to become Christian is held out.

As it turned out, the more subtle approach proposed by Somerset was the approach that eventually began to yield results. By the late-1830s the children of Cape Town's muslim community, both free and slave, willingly availed themselves of the opportunities of state-sponsored education.<sup>130</sup> The specifics of this process lie outside the essential focus of this thesis, and thus need not be dealt with here.<sup>131</sup> It is interesting to note, however, that a set of considerations that largely remained unstated by colonial officials until much later in the century, played a key role in government strategy.

Behind the goal of extending schooling lay not only the desire to encourage the spread of Christianity, but also the spread of what was perceived of as "civilized" forms of social relations. Bird argued in the 1820s that the conduct of slaves was "not restrained by either moral or religious ties" and that subsequently they were an "unstable" factor in Cape society.<sup>132</sup> Bird's reference to

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 130 "Evidence of two Mahommedan priests..." pp 207-208. See also Cuthbertson, Op. Cit. p 60.

131 See Behr, Op. Cit. pp. and Molteno, F. "The historical Foundations of the schooling of black South Africans" in, Apartheid and Education: The Education of Black South Africans. (ed) P. Kallaway, (Johannesburg, 1984) pp 49-51.

132 Bird, Op. Cit. p 74.

either" moral or religious ties" is crucial for, from the point of view of the state, conversion of muslims to Christianity, while desirable, was not essential. Control over the schooling process offered the state a monopoly in the arena of reproducing ideology. So long as the state maintained this monopoly it was possible to "civilise" the conduct of even the muslims! And it is precisely in these terms that one must understand the insistence of the Colonial Office, that Governors keep strict control over the licensing of schools and teachers, paying "the most particular attention to the morals and proper qualifications of the persons applying."<sup>133</sup>

Noting that the conversion of muslims was by no means absolutely necessary - so long as they could be "civilised" - it must be acknowledged that considerable effort was nevertheless expended trying to do just this. Several instances of this have already been mentioned, the Earl of Caledon's request to Dutch Reformed and Lutheran ministers being a case in point. Yet on the scale of missionary priorities, the evangelisation of Cape Town's under classes was apparently very low.<sup>134</sup> European-based missionary societies, such as the London Missionary Society (LMS), tended to

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<sup>133</sup> Instructions to Our Right Trusty and Right Well Beloved Cousin and Counsellor George, Earl of Marcartney...Our Governor and Commander in Chief in and Over the settlement of the Cape of Good Hope, 13 Dec. 1796, in, RCC, Vol. II, p 15.

<sup>134</sup> It is not clear why mission institutions placed such a low priority on the evangelisation of the town's population, and no doubt further research is required here. But for more details on the nature of missionary policy and strategy see, Crehan, K. "Khoi, Boer and Missionary: An anthropological study of the role of missionaries on the Cape Frontier, 1799-1850." M.A. Thesis, Univ. of Manchester (1978).

concentrate their resources in the interior of the colony.

In 1804, however, one of the few missionary societies to develop from an indigenous base, the South African Missionary Society (SAMS) was established. As Behr explains, "while the LMS and others concerned themselves almost exclusively with the Hottentots and Bantu (sic!), this South African Missionary Society, whose members were predominantly Cape burghers, from the beginning, devoted most of its attention to the slaves."<sup>135</sup> Situated in and around Cape Town, it is indeed significant that sufficient numbers of burghers felt threatened enough by the lack of "true religion" among their slaves, to initiate such a development. It would appear that particularly in the Boland area significant inroads were made. In contrast, progress in Cape Town was slow, a consequence of the influence of Islam.

Then, in what appears to be the first specific attempt to address this influence head on, the first of many "missions to the Malays" was established in 1824, under the leadership of the Rev. Elliot.<sup>136</sup>

During the 1820s the Rev. Elliot conducted an on-going programme aimed at not only converting "malays", but also educating slave-owners as to the dangers of allowing such a religion to develop unhindered within the ranks of their slaves.<sup>137</sup> Lack of

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<sup>135</sup> Behr, Op. Cit. p.130

<sup>136</sup> Ibid. p.131

<sup>137</sup> See for example, reports in the S.A.C.A. dated 29 March 1826, as well as Elliot's reports in the Nederduitsch Zuid-Afrikaansch Tijdschrift.

success, however, eventually led to Elliot's disillusionment, and the suspension of this effort.<sup>138</sup> It was not until the late 1840s that the idea of resurrecting such a mission was again mooted, and only in the 1850s that it was actually instituted.<sup>139</sup>

Government concern was focused largely on the slave community as a whole, and several attempts were made at encouraging missionary activity in this area. While representations were made to the state in the early 1820s, by missionary societies such as the LMS who wished to operate in Cape Town,<sup>140</sup> it would appear that the state was far from satisfied with the half-hearted and piece-meal way in which such activities were conducted. In an effort to co-ordinate and intensify the missionary thrust of colonisation, the state established its own missionary structures, with several paid clerics under its control.<sup>141</sup> Under the guidance of a political commissar for Church affairs, instructions were given to the priests to commence upon the education of the "black part of the community" in order that they should embrace "the principles of the Christian faith".<sup>142</sup>

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<sup>138</sup> For more details on the historical development of the various mission to the "malays" See Bradlow op. cit. pp 145-159.

<sup>139</sup> Letter from Williamson to Bishop Grey, dated 8 April, 1848 AB1161/B6. Grey Correspondence; Anglican archives, no pagination

<sup>140</sup> Memorial of the London Missionary Society to the Rt. Hon. Earl Bathurst, dated 3 Nov. 1818, in: RCC, Vol. XII, p.56

<sup>141</sup> Return of Civil Officers at the Cape of Good Hope.... for 1819, in: RCC, Vol. XII, p.409

<sup>142</sup> Ibid. p 409.



That even these efforts were doomed to failure is highlighted by the fact that in the half yearly report of the Guardian of the Slaves in 1829, no more than five slaves had been baptized, and only one marriage performed in the relevant six-month period.<sup>143</sup> In an environment where, firstly, Christianity was associated with the culture of the rulers it is little wonder that there was resistance on the part of slaves against embracing the culture of their masters. Moreover, the example of their masters could hardly be construed as evincing the most exemplary aspects of "Christian" conduct which no doubt added to the extent of slave resistance. A slave belonging to the then Fiscaal, and later Chief Justice, Truter, recalled the "Christian" treatment her children received at the hands of his family:<sup>144</sup>

They are obliged to follow their mistress on each sabbath, to carry her book and footstool to the door of God's house, but when they arrive there their load is taken from them, the door is shut upon them, and they are bound to wait in the street until the service is concluded; when they bear back the proud mistress' stool and the blessed book...

#### Conclusion: The Challenge of Islamisation.

Thus far in this thesis, developments within the muslim community, and within the state have been examined as distinct entities; as if

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 143     S.A.C.A. 23 December 1829

144     A reply to the Commission of Inquiry at the Cape of Good Hope upon complaints addressed to the Colonial Government...by Mr. Bishop Burnett, dated Sept. 1826, in: RCC, Vol. XXIX, pp.221-222

they had none but the most general and vague connections. This, however, was not so. Both processes unfolded in a dynamic and inter-related fashion; a fashion that was greatly influenced not only by developments examined above, but also by developments occurring in the broader colonial society as well. By way of a conclusion to this chapter, it is intended to focus on this dynamic pattern of relationships and show that the dramatic spread of Islam during this period, and up to the late-1830s, was the outcome and synthesis of these processes.

To begin with it is necessary that one briefly examines the numerical dimensions of the spread of Islam, as opposed to the structural aspects which have already been discussed. By doing so one's attention is drawn to the periods in which the process of Islamisation was at its peak, and hence when the functioning of the various structural arrangements established in the Guru (RA) period, were at their most effective.

In this respect, Shell's statistical studies are illuminating for they establish that the period 1800 to 1840 was the most crucial in the development of Islam at the Cape.<sup>145</sup> The sources would tend to indicate, argues Shell, that in 1822, "...the muslims in Cape Town amounted to nearly 3000," of whom just over half were free blacks.<sup>146</sup> Indeed by as early as 1829 concern was already being voiced about the numbers of the "followers of Mahomet" in the local

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<sup>145</sup> Shell Op. Cit. pp 5-9.

<sup>146</sup> Ibid. p 6.

press.<sup>147</sup> By the turn of the decade, however, this number had risen to over 6000, and up to 6 492 in 1841.<sup>148</sup> If one bears in mind that the total population of the town in 1841 was 18 720, a fraction over a third of the town and well over two thirds of the coloured population were acknowledged to be muslim.<sup>149</sup> The extent of this growth is amplified when one bears in mind that throughout the first four decades of the nineteenth century the population of Cape Town remained remarkably static. As early as 1806 the total population of Cape Town stood at just under 16 500, and by 1816 it had actually declined to 16 030.<sup>150</sup> By 1831 the population had risen to just over 19 000<sup>151</sup> and to 20 181 in 1840.<sup>152</sup> Thus while Cape Town's population was increasing only marginally, its muslim population was multiplying by leaps and bounds; an expansion that can only be explained by largescale conversion.

Statistical estimates of the numbers of muslims prior to the 1820s are impossible to determine, yet it is hard to imagine that the

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<sup>147</sup> S.A.C.A. 23 December 1829.

<sup>148</sup> Ibid. p.6. CO 483 item no. 65. These statistics are confirmed in the Cape of Good Hope Almanac and Annual Register, (Cape Town, 1842), p.4.

<sup>149</sup> Ibid. p 4.

<sup>150</sup> Statistical Return for the year 1816, in, RCC XI, p 238.

<sup>151</sup> CO 53/68, 433 (PRO London).

<sup>152</sup> Ross, R. "Cape Town (1750-1850): Synthesis in a Dialectic of Continents" in, Colonial Cities: Essays on Urbanism in the Colonial Context. (eds) R. Ross and G. Telkamp. (Dordrecht, 1985). p 108.

initial community in the Guru (RA) period was much greater than a thousand. We know, for example, that at the turn of the century no more than five free blacks are listed as property owners.<sup>153</sup>

Then in lists of free blacks eligible for fire duty approximately 200 names are listed.<sup>154</sup> Adding dependents and slaves to this, one can develop estimates of the numerical strength of this community. Barrow, furthermore, estimates the number of muslims to be around 700 in the final years of the eighteenth century.<sup>155</sup>

Yet what ever the precise figures, one cannot escape the fact that between the early-1820 and mid-1830s, and again between the 1830s and 1850s the muslim community grew by approximately 250% , "forcing" analysts such as Shell, "to conclude that the rate of conversion to Islam and acceptance into the malay population was very rapid indeed."<sup>156</sup>

In terms of the above analysis, the fact that the most intense periods of Islamisation tend to coincide with the periods of intense state repression and the first albeit crude and unsuccessful attempts to transform this repression into a more subtle programme of reconstructing ruling class hegemony. That Islam was targeted by members of the ruling classes as a political threat, and the activities of the "Mahomedan Priests" as contributing to this, only

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<sup>153</sup> Davids, op. cit. p 96.

<sup>154</sup> Papers relating to the Compulsory Service of Malays and Free Blacks in Cape Town. CO 414/6D35 (PRO London.)

<sup>155</sup> Bird, Op. Cit. p 237.

<sup>156</sup> Shell, Op. Cit. p 7.

tended to reinforce the nature of links between members of this community, and the broader mass of oppressed and exploited classes.

While members of the ruling classes were refusing their slaves access to not only their churches, but also the rites of ritual worship, muslims were encouraging these self-same slaves to regard only their bodies as in slavery. As regards entrance into this faith and its rituals, no distinction was drawn between free-man and slave. The nature of these organic links have been summed up by a government official who noted, with alarm, the spread of Islam in the town amongst particularly those people, "...who cannot but have a frequent intercourse with Mahomedan slaves [and] are soon reduced by the example of their friends and comrades, by the allurements of their external rites attending the Mahomedan religion, and by the artifices of the so called Mahomedan Priests, to give marked preference to that religion."<sup>157</sup>

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<sup>157</sup> Letter from fiscaal Denyssen to Lord Charles Somerset, dated 23 March 1824, in, RCC, Vol. XVII, pp 166-7.

## CONCLUSION.

### THE KHALIFA ISSUE AND THE CHANGING PATTERNS OF STATE STRATEGY: ENTER THE FRIENDS OF THE MALAYS.

If nothing else, the argument presented in this thesis has demonstrated two points: On the one hand, it has shown that the process of Islamisation, commencing in the late seventeenth century, had a dramatic impact on the character of social relations within Cape Town. Within the heart of the steadily expanding colony, an alternative pattern of social organisation had taken root. Embedded in the experience of several decades of toil and struggle, a muslim community had emerged; a community whose social institutions and practices posed subtle, yet nevertheless very real challenges, to the hegemony of the dominant pattern of colonial social relations.

Similarly it has been argued that, partly as a response to this process and partly as a consequence of the general demands of reproducing ruling class hegemony, a series of largely unsuccessful strategies had been pursued by the colonial state in order to blunt the impact of this process. The heavy-handed and largely directionless trajectory of state strategy had, far from achieving its stated goal, actually encouraged the further growth of Islam among Cape Town's under classes. This point is vividly illustrated in the fact that by the closing of the era of slavery, nearly two-thirds of the town's non-white population had embraced Islam.

It has been suggested by certain analysts, however, that the period studied in this thesis, is characterised by a profound sense of complacency on the part of Cape Town's muslims. It is suggested that

this was a "necessary response" for fear of antagonising "the powerful authority too much".<sup>1</sup> Yet as is argued during the course of this thesis, nothing could be further from the truth. To begin with, the phenomenal numerical and structural growth of the muslim community makes a nonsense of any suggestion of complacency. While some would no doubt argue that these processes were devoid of any political content, one would do well not to forget the point that the very acceptance of Islam was itself a political statement: to accept Islam was to make oneself a target for the harassment and persecution of agents of the state. Its acceptance was also a rejection of imposed racist typologies and at the same time an acknowledgement of the dignity of mankind; a statement made all the more powerful by the profound inhumanity of the system of capitalist slavery. Acceptance of Islam and membership of the muslim community thus implied a rejection of imposed structures, both political and ideological.

The political ramifications of the process of Islamisation were, moreover, by no means confined to these areas alone. Indeed the creation of an environment where a degree of religious freedom was tolerated, was not, as some writers have suggested, a benevolent concession imposed from above, but a hard-fought for right, established in struggle. Right from the initial establishment of an embryonic community at Zandvliet, muslim leaders had defiantly engaged in the

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<sup>1</sup> Davids, A. "From Complacency to Activism..." p 2.

practice of Islam. While for nearly a century its practice was covert and hidden, it is clear that in the late-eighteenth century when it began to be practised in the open, it was as a consequence of the internal strength of the process of Islamisation. Muslims had fought for, and won, the right to practise Islam, imposing religious freedom over a hostile environment.

Liberal gestures, such as the eventual granting of "religious freedom", were in part a de facto acknowledgement of the existence of a situation in which a degree of religious freedom had already been established. Yet these gestures were more than just this. The granting of religious freedom and the scrapping of legislation that had allowed for the on-going harassment and oppression of the free black community, were elements of a new ruling class strategy.<sup>2</sup> This strategy sought to regain the initiative for the rulers, and restructure the terms of these new freedoms in order that these conformed to the structures of ruling class hegemony. Traditional policies that had had as their foundation the belief that Islam could be eradicated were no longer tenable. Instead state strategists shifted their attention towards "civilising" its practice.

Thus while accepting the presence of Islam in the town, colonial

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<sup>2</sup> A key piece of legislation in this regard was Ordinance 50 of 1828, which as was noted earlier was described by liberal politicians at the Cape as the "Magna Charter of the Hottentot population".



officials were not going to leave its practice unchallenged. Indeed, from the point of view of the state, the existence of a state apparatus within the muslim community itself, albeit a rudimentary one, made this a necessity. The degree of social and political independence experienced by the muslim community left them, to a large extent, outside the framework of ruling class hegemony.

While the significance of this independence has not been grasped by the existing historiography,<sup>3</sup> colonial commentators of the period were under no illusions as to the importance of eroding the structures that encouraged the growth of a state within a state. Indeed it is this very sense of structural independence that prompts Colebrooke to assert that the spread of Islam among Cape Town's under classes was to be deemed a "political evil".<sup>4</sup>

Several decades later, on the eve of the Cemeteries Uprising, it would appear that the threat of Islamic expansion had been neutralised. As has been argued elsewhere,<sup>5</sup> the Cemeteries Uprising was itself a last, desperate attempt by members of the muslim community to resist the steady erosion of their way of life. Over the space of some forty years, the state had successfully engaged the muslim community in a

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<sup>3</sup> See for example Davids op. cit. pp 2-3.

<sup>4</sup> Bird, W.W. The State of the Cape of Good Hope in 1822. (ed) H.Colebrooke; London, 1823. p 349.

<sup>5</sup> Bradlow, op. cit. pp 246-251.

series of protracted and complex struggles, that had led to the latter's integration, on subordinate terms, into the structure of ruling class hegemony. By the mid-1880's, the structures that had been so painstakingly built by the early muslims in Cape Town, lay in ruins.

The precise details of this process, however, lie outside the scope of this study. It is nevertheless important as a means of concluding the argument of this thesis, that an attempt be made to illustrate the changing patterns of ruling class strategy; patterns that are aptly highlighted in the crisis generated around the banning of the Khalifa ritual.

The controversy surrounding the practice of the Khalifa began in mid-1854. Acting on the pretext of disturbing the peace, the then acting Superintendent of Police, de Roubaix, banned its performance.<sup>6</sup> The Khalifa had long been a source of irritation to the colonial authorities. From the days of slavery, it had been a popular social event among not only the town's muslims but also the lower classes as a whole, large crowds gathering regularly until late at night to witness the display. Missionaries and settlers had long scorned its practice claiming it to be "barbaric", "uncivilised" and a

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<sup>6</sup> de Lima, J. The Califa Question, (Cape Town, 1857), p 1.

"nuisance".<sup>7</sup>

Concerned about the arbitrary nature of de Robaix's actions, certain members of the 'ulama petitioned the then Governor, Sir George Grey. They protested the banning, claiming that de Robaix's actions contradicted the freedom of religion which muslims were meant to enjoy. While acknowledging this right, the Colonial Secretary's reply clearly spelt out that the state wished to set new limits to its extent: "This interference of the police will depend on the manner in which the ceremony is conducted so that it is entirely within the power of the priests and their congregations to render such interference unnecessary."<sup>8</sup>

Even in its ammended form, this unparalleled intervention in the practice of Islam continued to excite an unfavourable reaction from the town's muslims. State interference in the practice of the Khalifa seemed to prompt a series of rumours within the community: that this was just the beginning of an on-going programme of state interference. Several petitions were apparently sent to the Governor, requesting that he guarantee the continued freedom of religious

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<sup>7</sup> See for example Zuid Afrikaan, 10 January 1857, Cape Monitor, 9 January 1857.

<sup>8</sup> Letter from the Colonial Secretary to Muhammad Ahmad (Qadi) dated 25 January 1856, cited in de Lima, op. cit. p 10.

practice.<sup>9</sup> So intense was the commotion generated around this issue, that the Governor felt obliged to establish a formal board of inquiry to investigate the rumours.<sup>10</sup> One contemporary commentator was even prompted to remark that de Robaix's life might even be in danger.<sup>11</sup> The degree of concern evidenced by the state is perhaps best illustrated in the report of the special inquiry itself: "It would appear," remarked one of the commissioners, "that the rumours in circulation have caused considerable excitement in the minds of the Malays, and unless contradicted are calculated to produce evil consequences." Needless to say, however, no evidence was found by the inquiry substantiating the rumours, and de Robaix was commended for the "just" manner in which the affair was handled.<sup>12</sup>

While by no means the most dramatic of struggles to arise between the state and the muslim community during this latter period, the Khalifa issue is interesting for it tends to capture the essential aspects of the state's new approach in dealing with the spread of Islam. On the one hand, the crisis around the practice of the Khalifa demonstrated the growing sophistication of state strategy. While one arm of the

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<sup>9</sup> Ibid. p 12.

<sup>10</sup> Select Committee appointed by the Honourable Legeslative Council on 3 May 1856 to consider and report upon the petition of certain Malay Priests relative to the rite and ceremony of Califa. Minutes of the Legeslative Council, 13 May 1857.

<sup>11</sup> de Lima, op. cit. pp x-xi.

<sup>12</sup> Ibid. p 12.

state was used to initiate the crisis, others were used to defuse it. In this manner not only was the nature of links between the various arms of the state obscured, but the state itself was able to dictate the limits and terms of struggle. The limiting of the expression of protest to the submission of petitions clearly illustrates this. When it appeared as if the state was losing control of the situation, and rumours were creating a sense of unease, it acted quickly to regain the initiative, setting up a board of inquiry to "investigate" its own role in the affair.

Yet the Khalifa issue also illustrates the new ideological posture of the state. Throughout the Khalifa crisis, the point is continuously made that the state, while acting against the muslim community, was actually acting in the interests of the muslim community! This point is clearly spelt out by de Lima:<sup>13</sup>

The press in the colony representing both the English and Dutch communities have been unanimous in their praises of the courage, untiring perserverence, and energy with which that gentleman [de Robaix] exhibited during his exertions to check so great an annoyance to the entire community of this city; and the colonial parliament expressed their opinion that the means devised by Mr. de Robaix in the califa [sic] question have produced very beneficial results to the community at large as well as to the Malays.

Through carefully manipulating the crisis, the state had thus been able to successfully intervene on the terrain of popular culture,

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13 Ibid. p. ix.

restructuring an activity that had long comprised one of the many alternative practices fostered by the muslim community. As it turned out, however, state intervention in the Khalifa ceremony was the first of many such impositions, constituting the beginning of a strategy that was to erode the structural independence of the muslim community, leading to their ultimate integration into the structure of ruling class hegemony.

APPENDIX 1.

LIST OF THE NAMES OF KNOWN SHAYKHS OF TASSAWWUF BURIED ON THE CAPE PENNINSULA.

<u>NAME:</u>	<u>LOCATION:</u>	<u>DATE:</u>
Shaykh Yusuf.	Faure.	17th Century.
Shaykh Hashim Shah.	Faure.	17th Century.
Sayyid 'Abdul Mattara.	Robben Island.	18th Century.
Robben Island Shah. <sup>1</sup>	Robben Island.	18th Century.
Sayyid Ja'ffa.	Camps Bay.	18th Century.
Sayyid Ibrahim.	Camps Bay.	18th Century.
Sayyid Kassim. <sup>2</sup>	Camps Bay.	18th Century.
Baddah Shah Ja'ffa.	Camps Bay.	18th Century.
Sayyid Nuurulmubin.	Camps Bay.	18th Century.
Sayyid 'Ali.	Camps Bay.	18th Century.
Hasan Shah. <sup>3</sup>	Signal Hill.	17th Century.
Hazrat Sulayman.	Signal Hill.	19th Century.
Sayyid 'Uthman.	Signal Hill.	18th Century.
Tuan Kappa-Lee You.	Signal Hill.	18th Century.
Hazrat Sayyid Nuuruman.	Longmarket Street.	18th Century.

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<sup>1</sup> Murid of Sayyid 'Abdul Mattara.

<sup>2</sup> Son of Sayyid Ja'ffa.

<sup>3</sup> Murid of Shaykh Yusuf.

Hazrat Sayyid Nuur.	Longmarket Street.	18th Century.
Tuan Guru.	Longmarket Street.	19th Century.
Hazrat Jami'	Longmarket Street.	date unknown.
Sayyid 'Abdul Malik.	Oranjezicht.	17th Century.
'Abdul Haq al Qadari.	Oranjezicht.	17th Century.
Sayyid Muhammad Ja'ffa.	Table Mountain.	18th Century.
Badda Shah.	Table Mountain.	18th Century.
Sayyid Mahmud.	Constantia.	17th Century.
Hazrat Sayyid Sulayman.	Constantia.	17th Century.
Hazrat Sayyid 'Abdur	Constantia.	17th Century.
Rahman. <sup>4</sup>		
Hazrat Sayyid Muhsin. <sup>5</sup>	Tokai.	17th Century.
Sayyid Musa.	Simonstown.	18th Century.

There are also reputed to be karamats in Newlands, Kalk Bay, Table Mountain, Cape Point, and along De Waal Drive.

My thanks go to Mr. K.Goliath for providing men with this list.

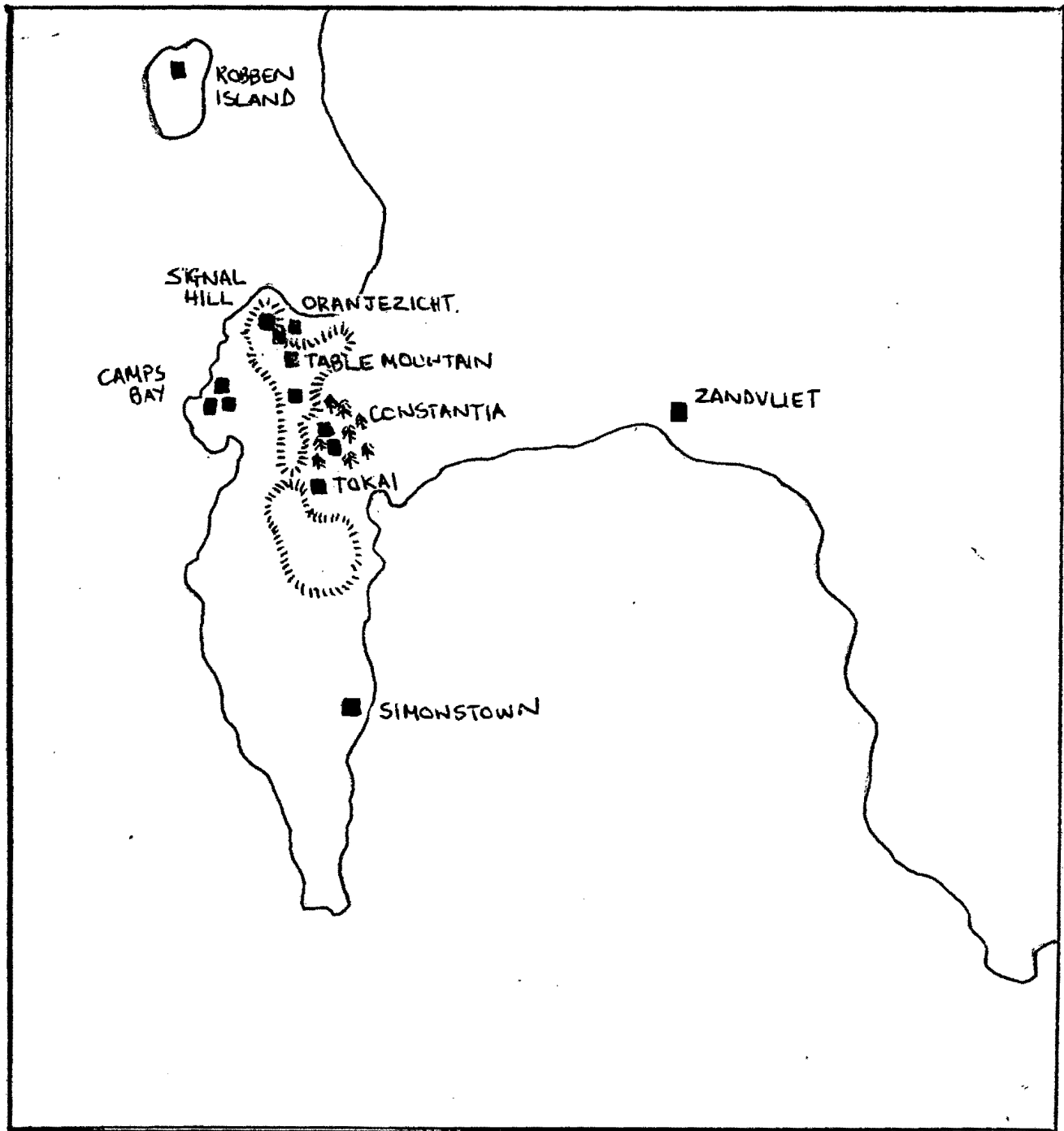
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<sup>4</sup> There are the graves of three murids burried in close proximity to that of Sayyid 'Abdur Rahman.

<sup>5</sup> There are also the graves of four murids near that of Sayyid Muhsin.



APPENDIX 2.

MAP DETAILING THE LOCATION OF KARAMATS AT THE CAPE PENNINSULA.



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